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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.16934 of 2014

S.Shameem

...Petitioner

Vs

1.The Tahsildar,
Salem, Salem District.

2.The Village Administrative Officer,
Salem Town, Salem,
Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents to effect mutation of record by name transfer on the basis of the Petition dated 10.04.2014 in respect of the Petitioner's property situate at Door No.4/880, New No.14/880, Jallalkhan Road, Fort, Salem Town, Salem, comprised in Old Survey No.880, Re-Survey T.S.No.53, Ward-G, Block No.15, without any further delay and consequential direction to the respondents to issue patta as asked for.

For Petitioner : Mr.G.Jayachandran

For Respondents: Mr.C.Jayaprakash

Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents to effect mutation of record by name transfer on the basis of the Petition dated 10.04.2014 in respect of the petitioner's property situate at Door No.4/880, New No.14/880, Jallalkhan Road, Fort, Salem Town, Salem, comprised in Old Survey No.880, Re-Survey T.S.No.53, Ward-G, Block No.15, without any further delay and consequential direction to the respondents to issue patta.

2.It is brought to the notice of this Court that partition suit was instituted and preliminary decree was passed.



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3.The learned Government Advocate appearing on behalf of the respondents made a submission that the parties have not obtained final decree order for the purpose of effecting sub-division and for grant of patta only after final decree sub-divisions are to be made and thereafter, mutations are to be effected in the revenue records.

4.The writ petition is pending for the past about 6 years, if at all the civil dispute between the parties reached finality, then either of the party is at liberty to submit a fresh application before the 1st respondent / Tahsildar for the purpose of effecting mutation in the revenue records.

5.During the pendency of the civil proceedings, the revenue authorities cannot grant patta and effect mutation of record. The dispute between the parties are to be resolved for the purpose of grant of patta and effect mutation of record. At the time of filing of the writ petition, the final decree proceedings were pending.

6.This being the factum, the parties to the civil dispute are at liberty to submit a fresh application after disposal of the civil proceedings before the competent Court of law.

7.With these liberty, the writ petition stands disposed of.
No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Tahsildar,
Salem, Salem District.

2.The Village Administrative Officer,
Salem Town, Salem,
Salem District.

+1 cc to Government Pleader Sr.NO. 58977

W.P.No.16934 of 2014

KSM(CO)
A.SK(30.11.2021)