



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WP.No.34342 of 2019

And

W.M.P.No. 35004 of 2019

[Video Conferencing]

Mr.Kawarlal

... Petitioner

Versus

1. The Tahsildhar
Ambattore Taluk
Thiruvallur District.

2. Mr.Anbarasan

3. Mr.Alagarsamy

4. Mr.Varadarajan

5. Abarajithammal

6. K.Rukmani

... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent herein to issue patta to the petitioner in all that piece and parcel of plot No.B-1 with compound wall comprised in S.F.No. 193/part at Ambattur Taluk, Thiruvallur District, to an extent of 3192 sq.ft., considering the representation of this petitioner herein on 16.09.2019 under Section 3 of the Tamilnadu Patta Passbook Act 1981 (Act (2) of 1984) (hereinafter referred to as an Act).

For Petitioner : Ms. V.Bagyalakshmi

For 1st Respondent : Mr.K.M.D. Muhilan
Government Advocate



ORDER

This Writ Petition has been filed in the nature of Mandamus seeking consideration of a representation dated 16.09.2019 given to the first respondent /Tahsildhar, Ambattore Taluk, for grant of patta with respect to land in Plot No.B-1 in S.F.No. 193/part at Ambattur Taluk in Thiruvallur District.

2. The petitioner had filed O.S.No. 134 of 2009 before the District Munsif Court, Poonamallee, originally claiming the relief of permanent injunction restraining the defendants therein from interfering with peaceful possession.

3. On perusal of the written statement wherein the defendants claimed that they had also purchased the property from the same vendor from whom the petitioner appears to have also purchased, the petitioner was forced to file an Interlocutory Applications seeking amendment of the relief sought to include the relief of declaration of title.

4. Naturally, such an issue is now pending before the learned District Munsif Court at Poonamallee and the said Court having been seized of the matter is the competent Court to decide the title. Patta will follow title and I hold that therefore, the Tahsildar in the instant case, has no right to examine the representation of the petitioner particularly since the suit is pending.

5. Let the parties go back to the trial Court and join issues there with respect to declaration of title and incidentally with respect to the issue of grant patta and with respect to the possession of the lands mentioned. No orders can be passed in this Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

Vsg

To

The Tahsildhar
Ambattore Taluk
Thiruvallur District.



+1cc to the Government Pleader, S.R.No.40404

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KSM(CO)
CT(02/09/2021)