



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P (MD) No.4806 of 2021

WEB COPY

V.Manikandan

...Petitioner

Vs

1. The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli.

2. The Tahsildar,
Tiruchirappalli West,
Cantonment,
Tiruchirappalli - 620 001.

3. Kavitha

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records culminated in the impugned order Oo.Mu.(A7) 5154/2019, dated 25.01.2021 on the file of the 1st respondent, quash the same as illegal, unenforceable, ultra vires, without jurisdiction and by way of mandamus directing the 2nd respondent to issue patta in favour of the petitioner in respect of the property comprised in S.F.No.104/B, ad measuring to an extent of Acre 0.37,1/2 Cents corresponding to Ward A.J.Block 18, T.S.No.37, situated at Pirattiyur East Village, Tiruchirappalli West, Tiruchirappalli District.

For Petitioner

: Mr.M.Suresh

For respondent

: Mr.C.Ramesh,

Nos.1 & 2

Special Government Pleader

ORDER

The case of the petitioner is that after the demise of his father he submitted an application on 27.06.2019 to the second respondent for mutation of the revenue records in respect of the property comprised in SF.No.104/4 at measuring to an extent of Acre 0.37 and ½ cents corresponding to New T.S.No.37, Ward A.J.Block 18 situated at Pirattiyur [East] village, Tiruchirappalli [West] Taluk, Tiruchirappalli District. In response to the said application, the Revenue Inspector was also directed to submit his report. According to the petitioner, the Revenue Inspector has also recommended for



mutation of the revenue records in the name of the petitioner and also issued patta in respect of the subject property.

2.The first respondent being the appellate authority under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 has passed the impugned order dated 25.01.2021 holding that the suit is pending in O.S.No.129 of 19 filed by the petitioner's wife/ third respondent herein and his request would be considered only after the disposal of the said suit. Being aggrieved by the order of the first respondent, the petitioner is before this Court.

3.The learned Counsel for the petitioner attempted to argue his case notwithstanding the pendency of the suit, based on which, his request was discountenanced by the first respondent on the ground that still the authority can consider his application and pass orders on mutation of the revenue records. The petitioner has quoted certain provisions to the Indian Succession Act by operation of the provisions, he has right to succeed to the estate of his father and also the fact the first respondent being the appellate authority under Section 12 of the Tamil Nadu Patta Pass Book Act without any justifiable cause, has passed the impugned order.

4.Whatever be the objection of the petitioner, the fact of the matter is that there is a suit pending in O.S.No.129 of 2019 filed by the wife of the petitioner, who is arrayed as third respondent herein. When the suit is pending it may not proper for the first respondent or any authority to initiate any action in respect of the application for mutation of the revenue records.

5.Therefore, without going into the legal issues as to the jurisdiction of the first respondent in entertaining the application by himself in the circumstances of the case, the conclusion of the authority that the application cannot be entertained on the ground of the pendency of the suit proceedings, in the opinion of this Court does not suffer from any illegality or infirmity calling for intervention of this Court.

6.For the above said reasons, this Court finds that the writ petition is not maintainable and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1. The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli.

2. The Tahsildar,
Tiruchirappalli West,
Cantonment,
Tiruchirappalli - 620 001.

+1 CC to M/s.SPL GP (SR-10143[F] dated 10/03/2021)

W.P(MD)No.4806 of 2021
09.03.2021

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