



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8393 of 2022

Padmanapan

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Chepauk,
Chennai-600005.

2.The District Collector,
Krishnagiri District,

3.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

4.The Tahsildar,
Utangarai Taluk,
Krishnagiri Taluk.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to dispose of petitioner's representation dated 03.08.2021 for Patta cancellation.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct 3rd respondent to dispose of petitioner's representation dated 03.08.2021 for Patta cancellation.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.



3. The case of the petitioner is that the petitioner is that is the Power Agent of his wife. The petitioner's wife has already filed a suit in O.S.No.147 of 2004 for partition, as against her brothers, on the file of Utangarai Munsif Court and the suit is pending. In the meanwhile, the Patta was transferred in the name of petitioner's brother in laws. Aggrieved with the same, the petitioner made representation to the 3rd respondent on 03.08.2021, for cancellation of Patta issued in the name of petitioner's brother in laws. However, till date no orders have been passed. Hence, this Writ Petition is filed with the aforesaid prayer.

4. The learned counsel for the petitioner submitted that it would suffice if this Court issue direction to the 3rd respondent to consider the petitioner's representation dated 03.08.2021, within a reasonable time that may be fixed by this Court.

5. The learned Government Advocate appearing on behalf of the official respondents submitted that the petitioner's representation for cancellation of Patta is not sustainable one. Hence, he prayed for dismissal of this petition.

6. Admittedly, the petitioner's wife filed a suit in O.S.No.147 of 2004 for partition and till date the suit is pending. In the meanwhile, the Patta was transferred in the name of petitioner's brother in laws. Thereafter, the petitioner made representation on 03.08.2021, for cancellation of Patta. Admittedly, when the suit is pending no Patta can be transferred, however, in the present case the suit is pending right from 2004 the Patta granted earlier cannot be cancelled till the disposal of suit. Hence, the prayer sought for in this petition cannot be granted.

7. With the above observation, this Writ petition is dismissed. No costs. However, if petitioner obtained decree in his favour, thereafter, liberty is granted to the petitioner to make representation for transfer of Patta, if any property allotted to him.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

Psa



To

1.The Commissioner of Revenue Administration,
Chepauk,
Chennai-600005.

2.The District Collector,
Krishnagiri District,

3.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

4.The Tahsildar,
Utangarai Taluk,
Krishnagiri Taluk.

+1cc to Government Pleader SR.No.23832

W.P. No.8393 of 2022

MT(CO)
GMY(26/04/2022)