



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6714 OF 2022

Pandiyan

... Petitioner

.Vs.

1. The Sub Collector,
Perambalur.

2. The Tahsildar,
Kunnam Taluk,
Permbalur District.

3. The Village Administrative Officer,
Sirukudal Village,
Kunnam Taluk,
Perambalur District.

4. Senthilkumar

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to remove the name of fourth respondent from Patta No.1254 for the land in S.F.No.205/4C4 (old S.F.No.656/4C4) in Keelapuliyur South Village of Kunnam Taluk in Perambalur District by considering the petitioner's application dated 24.01.2022.

For petitioner : Mr.N.Ponraj

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the first respondent to remove the name of fourth respondent from Patta No.1254 for the land in S.F.No.205/4C4 (old



S.F.No.656/4C4) in Keelapuliyur South Village of Kunnam Taluk in Perambalur District by considering the petitioner's application dated 24.01.2022.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 3. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property comprised in S.F.No.205/4C4 measuring about half cent and the same was allotted to petitioner through a partition deed dated 18.05.2016 in Doc.No.1387 of 2016, registered on the file of Sub Registrar, Valighandapuram and obtained a Joint Patta bearing no.1254. While so, the fourth respondent filed a suit in O.S.No.100 of 2018, on the file of The Sub Court, Perambalur for partition as he is having right over the said property. However, during the pendency of the suit, without any right over the property, the fourth respondent had included his name in the above said Patta. Hence, the petitioner made a representation on 24.01.2022 before the first respondent seeking for removal of the name of fourth respondent from the above Patta. However, till date no action has been taken by the respondents. Hence, the present Writ Petition has been filed by the petitioners for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court may issue direction to the respondents to consider the petitioner's representation dated 24.01.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

6. The learned Additional Government Pleader appearing for the respondents submits that Rule 4(4) of the Tamil Nadu Patta Passbook Act makes it clear that if a suit is pending between the parties, The Tasildhar has no power to decide the title in between the parties.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, granted liberty to the petitioner to file fresh application before the authorities concerned, if he succeed the suit pending before the Sub Court, Perambalur and, the Sub Court, Perambalur is directed to decide the case independently based on the materials



available on record without influencing the Patta granted by the second respondent in favour of the fourth respondent.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The Sub Collector,
Perambalur.
2. The Tahsildar,
Kunnam Taluk,
Permbalur District.
3. The Village Administrative Officer,
Sirukudal Village,
Kunnam Taluk,
Perambalur District.

+1cc to the Government Pleader, S.R.No.20322

W.P.NO.6714 OF 2022

GPL(CO)
PBS/12/04/2022