



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6800 of 2022

Jayaprakash

... Petitioner

Vs.

1. The Sub Collector,
Virudhachalam,
Cuddalore District.

2. The Tahsildar,
Virudhachalam,
Cuddalore District.

3. Deepa

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1,2 respondents to sub divide and issue patta to the petitioner in S.No.92/4, Kupanatham Village, Virudhachalam Taluk, based on the petition dated 19.12.2021.

For Petitioner : Mr.S.C.Viswanath

For Respondents : Mr.M.Murali
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 and 2, to sub divide and issue patta to the petitioner in S.No.92/4, Kupanatham Village, Virudhachalam Taluk, based on the petition, dated 19.12.2021.

2. The learned Government Advocate appearing on behalf of the respondents 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. Since no adverse order is being passed as against the private respondent, notice to the private respondent is



dispensed with.

4. The case of the petitioner is that, the petitioner is the owner of the property in S.No.92/4, to an extent of 2.42 Cents, Kupanatham Village, Virudhachalam Taluk, Cuddalore District. The petitioner made an application before the respondents 1 and 2, for transfer of Patta in petitioner's favour, on 10.11.2021 and sent another petition on 19.12.2021. However, till date, no orders have been passed. Hence, this writ petition is filed with the above said prayer.

5. The learned counsel for the petitioner submitted that it would suffice if this Court issue a direction to the 1st and 2nd respondents to consider the petitioner's representation, dated 19.12.2021, and pass orders within a reasonable time that may be fixed by this Court.

6. The learned Government Advocate appearing on behalf of the official respondents submitted that already the 3rd respondent has filed a suit as against the petitioner, in O.S.No.479 of 2021, on the file of the Sub Court, Virudhachalam and the same is pending. When the said suit is pending, as per Rule (4) of Tamil Nadu Patta Pass Book Rules, the Tahsildar, has no power to decide the issue, between the parties. Accordingly, he prayed for dismissal of the petition.

7. The facts in the present case is not in dispute. Admittedly, the 3rd respondent who is petitioner's vendor's step sister, filed a suit in O.S.No.479 of 2021, on the file of the Sub Court, Virudhachalam, for partition and the said suit is pending. While the said suit is pending, making an application for transfer of Patta in petitioner's name is not sustainable and the same is barred under Rule (4) of the Tamil Nadu Pata Pass Book Rules. Hence, the prayer sought for in the Writ Petition cannot be considered.

8. Accordingly, this Writ petition is dismissed. No costs. However, liberty is granted to the petitioner, to file a fresh petition, after the disposal of the said Suit.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Psa



To

1. The Sub Collector,
Virudhachalam,
Cuddalore District.

2. The Tahsildar,
Virudhachalam,
Cuddalore District.

+lcc to Mr.S.C.Viswanath, Advocate, S.R.No.20415

+lcc to the Government Pleader, S.R.No.20606

W.P. No.6800 of 2022

SJ(CO)
CT 06/04/2022