



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8863 of 2022
W.M.P.No.8691 of 2022

1.P.V.K.Rajamahendran

2.Mangayarkarasi

3.B.Shanthi

4.Malliga

... Petitioners

Vs.

The Thasildar,
Ponneri Taluk,
Railway Station Rd, NGO Nagar Extension,
Ponneri, Tamil Nadu - 601 204.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to carry out sub-division and grant Patta to the petitioners land comprised in Survey No.154/1 - 0.31 cents; S.No.155/2 - 0.20 cents ; S.No.154/2 - 0.26 cents; S.No.154/5 - 0.94 cents; S.No.154/3 - 0.95 Cents; S.No.154/4 - 1.30 cents; S.No.155/1 - 7.34 cents, total 11.36 acres vacant land situated at Thachur Village, Ponneri Taluk, Thiruvallur District.

For petitioners : Mr.S.Chandrasekharan

For Respondent : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the respondent to carry out sub-division and grant Patta to the petitioners land comprised in Survey No.154/1 - 0.31 cents; S.No.155/2 - 0.20 cents ; S.No.154/2 - 0.26 cents; S.No.154/5 - 0.94 cents; S.No.154/3 - 0.95 Cents; S.No.154/4 - 1.30 cents;



S.No.155/1 - 7.34 cents, total 11.36 acres vacant land situated at Thachur Village, Ponneri Taluk, Thiruvallur District.

2. P.Sathish, learned Additional Government Pleader takes notice for the respondent. 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. The case of the petitioners is that the petitioners are claiming to be owners of the property comprised in Survey No.154/1 - 0.31 cents; S.No.155/2 - 0.20 cents ; S.No.154/2 - 0.26 cents; S.No.154/5 - 0.94 cents; S.No.154/3 - 0.95 Cents; S.No.154/4 - 1.30 cents; S.No.155/1 - 7.34 cents, total 11.36 acres vacant land situated at Thachur Village, Ponneri Taluk, Thiruvallur District. The petitioners have acquired the property by way of registered Settlement Deed dated 20.02.2009, vide Doc.No.1005/2009, on the file of the SRO, Ponneri. Hence, they made an application on 01.12.2021, before the respondent for transfer of Patta in their names. However, till date no action has been taken by the respondent on the representation made by the petitioners. Hence, the present Writ Petition has been filed by the petitioners for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court directs the respondents to consider the petitioners representation dated 01.12.2021 within the time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondent submits that the petitioners sister had filed a Suit in O.S.No.2332 of 2019, on the file of I-Additional City Civil Court, for partition. Citing the pendency of the said suit, the respondent has not issued Patta in favour of the petitioners.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, 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. Hence, the prayer sought by the petitioners in the present writ petition can not be granted. However, liberty granted to the petitioners to file a fresh application after disposal of the said Suit, if they succeed the Suit.



7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

tri/rap

To

The Thasildar,
Ponneri Taluk,
Railway Station Rd, NGO Nagar Extension,
Ponneri, Tamil Nadu - 601 204.

+1cc to Mr.S.Chandrasekharan, Advocate, S.R.No.24866

+1cc to the Government Pleader, S.R.No.25299

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SRA (CO)
SU (26/04/2022)