



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 14684 of 2021
and
W.M.P.Nos.15586 & 20939 of 2021

K. Pushpavalli @ Elizabeth Pushpavalli ...Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Tiruvallur.
3. The Tahsildar,
Tahsildar Taluk,
Tiruvallur.
4. Kishanlal
5. K. Mitha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ forbearing the respondents from mutilating and transferring the patta with respect to Survey Nos.73/1, 2, 74/2 to 8, 75/1, 3, 4, 76/2, 77/1, 77/3, 77/4 and 77/5, 77/11, 78/1, 78/1A1B, 79/12, 79/13 of Siruvanoor Village and Survey Nos.115/1 and 115/2 of Vedanginallur Village, Tiruvallur Taluk and District, till the disposal of the Civil suit.

For petitioners : Mr. M. Muthappan
For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader for R1 to R3
: Mr. T.T. Ravichandran for R4 & R5.

ORDER

The present petition has been filed for forbearing the respondents from mutilating and transferring the patta in respect of the subject properties till the disposal of the Civil suit.



2. The case of the petitioner is that the petitioner's grand father Ponnusamy Gramani had executed a settlement deed dated 04.05.1968 for an entire extent of property in favour of his daughter and the family members in the year 1968 and had also executed a will dated 09.02.1972 in favour of his family members, based on which, various properties have been sold without the knowledge of the petitioner. Aggrieved by the same, the petitioner had filed a suit in O.S.No.1 of 2006 to declare the said settlement deed and Will as null and void with respect to the petitioner and her mother's property and the said suit is pending. However, the patta was transferred with respect to some of the lands. Aggrieved by the same, the petitioner made a representation to the 1st Respondent/District collector on 12.06.2019 for cancellation of said patta, for which a memo dated 13.09.2019 was issued prohibiting the transfer of patta with respect to the subject properties. Despite the same, the steps are being taken to transfer patta in favour of various purchasers, however, the petitioner made a detailed representation to the officials herein, but, till date, the same has not been considered. Left with no other remedy, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner submits that, despite the memo dated 13.09.2019, which has been issued by the 1st respondent, the 3rd respondent herein is taking steps to transfer patta with respect to subject lands in favour of the purchasers, which act may adversely affect the interest of the petitioner in the pending suit in O.S.No.1 of 2006 on the file of the District Munsif Court, Tiruvallur. Further, as per Rule 4(4) of the Tamil nadu Patta Pass Book Act, the Revenue Officials cannot entertain the mutation of Revenue Records till the disposal of the said suit.

4. Learned Special Government Pleader appearing for the 3rd respondent has stated in the Counter Affidavit that, pursuant to the application made for transfer of patta in respect of the lands under dispute, only site inspection was conducted as a part of the enquiry, however, no order for mutation of patta entries had been passed. While that being so, the petitioner has approached this Court by way of Writ Petition.

5. Learned counsel for the 4th respondent submits that the patta has already been transferred in the favour of the 5th respondent, even prior to the filing of the present Writ Petition and the remedy available for the petitioner is only to file an appeal before the Revenue Divisional Officer. However, without availing such remedy, the petitioner has come up with the present petition and the same is not sustainable.



6. A careful perusal of the materials available on record reveals that the suit in O.S.No.1 of 2006 is pending on the file of the District Munsif Court, Tiruvallur in respect of the disputed properties. Despite the pendency of the suit, patta has been transferred in respect of some of the lands. In view of the same, a prohibitory order was passed by the District Collector. However, it is the contention of the learned counsel for the petitioner that, despite the order of prohibition, the 3rd respondent/Tahsildar is attempting to transfer patta in favour of various purchasers.

7. As per Rule 4(4) of the Tamil nadu Patta Pass Book Rules, Tahsildar/3rd respondent shall direct the parties to approach the concerned Civil Court. In view of the same, this Court directs the 3rd respondent/Tahsildar not to entertain any application for transfer of patta in respect of the subject lands, till the disposal of the suit in O.S.No.1 of 2006.

8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

NHS

To

1. The District Collector,
Thiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Tiruvallur.
3. The Tahsildar,
Tahsildar Taluk,
Tiruvallur.

+1cc to Mr.M.Muthappan,Advocate, Sr.No.25367
+1cc to Mr.T.T.Ravichandran, Advocate, SR.No.25665
+1cc to Government Pleader, SR.No.25931

W.P.No. 14684 of 2021

AJB (CO)
SRG/17/05/2022