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W.P.No.32874 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32874 of 2016

Rajeswari Ammal

..Petitioner

Vs.

1.The Collector,
Vellore District, Vellore.

2.The Tahsildar,
Arakkonam Taluk,
Vellore District.

3.The Revenue Divisional Officer,
Ranipet, Vellore District.

4.K.Govindasamy

...Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus Direct the 2nd respondent to consider the petitioner petition dated 05.08.2016 to issue patta in favour of Pushpa Rajeswari , Nagabushanam and Mallika.

For Petitioner : Mr.P.Krishnan

For RR1 to 3 : Mr.Vadiveludeenadayalan
Additional Government Pleader



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For RR4

: M/s.Ramalingam Associates

ORDER

This petition has been filed for issuance of writ of Mandamus to direct the 2nd respondent to consider the petitioner's petition dated 05.08.2016 to issue patta in favour of Pushpa, Rajeswari , Nagabushanam and Mallika.

2. The case of the petitioner is that her late father Munusamy Naidu had inherited property bearing S.F.Nos.203/3, 205/2B and S.F.No.321/7, situated at Thanigaipolur Village, Arakkonam Taluk, Vellore District and his father died leaving behind his wife and daughters as legal heirs and the petitioner's mother also died leaving behind her four daughters as his legal heirs. After the demise of the petitioner's father, her sister Nagabushanam's husband had cultivated the said lands. It is alleged by the petitioner that taking advantage of the cultivation, he had mutated the revenue records before the 3rd respondent without giving any opportunity to the petitioner and her three other sisters and hence, they made petition dated 05.08.2016 before the 1st respondent for cancellation of patta issued in the name of the 4th respondent and to issue



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patta in the name of petitioner and other sisters. Inspite of receipt of the petition dated 05.08.2016, the official respondents did not take any action to conduct an enquiry. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner on verification had found that the 4th respondent and his two daughters, based on the mutation of revenue records, had executed a Sale Deed in favour of one K.Damodharan and another with regard to the property bearing S.F.No.321/7 having an extent of 0.15.0 of the above said Village. It is further submitted that the said parties had filed Suit in O.S.No.47/2017, before the District Munsif Court, Arakkonam, impleading the 4th respondent as one of the property and the entire issue is now pending before the Civil Court.

4. The learned counsel appearing for the 4th respondent submitted that already the petitioner has alienated property in favour of the 4th respondent and suppressing the same, the petitioner along with other sister had made application before the revenue officials, which is not



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sustainable and prays for dismissal of this petition.

5. This Court considering the submission of the learned counsel for the petitioner, is of the opinion that in view of Rule 4(4) of the Tamil Nadu Patta Passbook Rules, the revenue officials have no power to decide the issue, when a Civil Suit is pending and hence the relief sought for by the petitioner cannot be given in this Writ Petition and hence the parties shall go before the Civil Court where the Suit is pending and canvass all their points for appropriate relief.

6. In view of the above, this Writ Petition is dismissed with a liberty to the succeeding party in the Suit to file a fresh application before the competent authority for issuance of patta after disposal of the Suit. No costs.

19.09.2022

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To
1.The Collector,



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Vellore District, Vellore.

- 2.The Tahsildar,
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M.DHANDAPANI.,J.



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