



W.P.No.35056 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.35056 of 2016

and

W.M.P.Nos.30221 of 2016 & 8292 of 2018

S.Varadharaj

... Petitioner

Vs.

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Revenue Divisional Officer-
Cum-Sub Collector,
Kanchipuram.
3. The Tahsildar,
Uthiramerur Taluk,
Kanchipuram District.
4. Shanmugam
5. Mohanarangan
6. Radhakrishnan
7. Krishnan
8. Anbu



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9. Ponnammal

10. Saradha

11. Prema

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the second respondent herein from holding any enquiry to pass orders for modification of entries of patta or transfer the patta in the name of 6th to 11th respondents in respect of survey land in 974/2, for extent of 0.75.0 Hectare, situate at Peru Nagar Village, Uthiramerur Taluk, pending Civil Suits in O.S.No.133 of 2014 and O.S.No.134 of 2014 before the learned Subordinate Judge, at Kanchipuram.

For Petitioner	:	Mr.D.Murthy
For R1 to R3	:	Mr.U.Bharanidharan Additional Government Pleader
For R4	:	Mr.P.Arivudainambi
For R5	:	Tapal returned (No residence)
For R6 to R11	:	M/s.J.James

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to forbear the second respondent herein from holding any enquiry to pass orders for modification of entries of patta or transfer the patta in the name of sixth to eleventh respondents in respect of survey land in



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S.No.974/2, of an extent of 0.75.0 Hectare, situate at Peru Nagar Village,

Uthiramerur Taluk, pending Civil Suits in O.S.Nos.133 & 134 of 2014

before the learned Subordinate Judge, at Kanchipuram.

2. The case of the petitioner is that the petitioner and the sixth respondent are cousins and there was a partition dispute between them relating to ownership in respect of the aforesaid property. The petitioner acquired the aforesaid property from the sixth respondent father by way of Power of Attorney and there was a partition between the family members of the petitioner, based on which, joint patta was issued in his name and other brothers' name. For issuance of separate patta, the petitioner made a application/representation dated 01.09.2009 before the third respondent and similarly, the sixth respondent and his wife Yosodha also made representation dated 01.09.2009 and 15.09.2009 for mutation of Revenue Records. However, the said representations were rejected by the third respondent, vide order dated 09.06.2010, thereby it created a confusion in respect of the tile, which has to be decided only by the Competent Civil Court, though all those applications/representations were rejected. Challenging the said rejection, the sixth respondent filed an appeal before the second respondent/Revenue Divisional Officer, pursuant to which, the



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summon was issued by the second respondent on 29.08.2016. Hence, the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that already the sixth respondent filed two Suits in O.S.Nos. 57 of 2010 and 85 of 2010 against the petitioner and his wife before the District Munsif, Uthiramerur and subsequently those Suits were re-numbered as O.S.Nos.133 of 2014 and 134 of 2014 and stood transferred to Sub-Court, Kanchipuram, and the said Suits are pending. Further, he contented that as per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, the Revenue Authorities have no power to mutate the Revenue Records and render any opinion in the case, which will adversely affect the interest of the petitioner and the private respondents. Hence, he prayed that this Court may grant liberty to the petitioner as well as the private respondents to file fresh application before the Revenue Officials, based on the decree granted by the Sub-Court.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. Considering the limited request made by the petitioner as well as



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the private respondents, this Court is inclined to issue a direction to the Revenue Officials not to entertain any application filed by the petitioner as well as the private respondents, till the disposal of the said Suits filed by the sixth respondent.

6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed. However, liberty is granted to the petitioner and the sixth respondent to file application before the Revenue Officials after the disposal of the said Suits.

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Index : Yes / No
Speaking order: Yes/ No
jd

To

- 1.The District Collector,
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M.DHANDAPANI, J.
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