



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20282 of 2014
and M.P.No.1 of 2014 and WMP.No.14890 of 2018

Tmt.Anbarasi

... Petitioner

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Sub Collector,
Perambalur,
Perambalur District.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

4.Tmt.Jayakodi

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ or direction or order more particularly in the nature of Writ of Mandamus forbearing the 2nd respondent from proceeding with patta transfer and mutation of revenue records pursuant to the notice in Na. Ka. A2/ 2641/ 2014 dt 8.7.2014 relating to land in Survey No.287/10D of Kariyanur Village, Veppanthattai Taluk, Perambalur District.

For Petitioner : Mr.S.Kamadevan

For RR1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader

For RR4 : Mr.K.Selvaraj



O R D E R

Writ Petition has been filed for issuance of writ of Mandamus forbearing the 2nd respondent from proceeding with patta transfer and mutation of revenue records pursuant to the notice in Na. Ka. A2/ 2641/ 2014 dt 8.7.2014 relating to land in Survey No.287/10D of Kariyanur Village, Veppanthattai Taluk, Perambalur District.

2. The petitioner's family was having 3/8th share in the old well and land measuring 0.03.0 ares in S.F.No.287/10F of Kariyanur Village, Veppanthattai Taluk and the husband of the 4th respondent was also having 4/8th share in the same well and property and thereby, the 3rd respondent issued joint patta no.1306 in favour of the other pattadars and the petitioner's family also owning another piece of land in S.F.No.287/10D measuring 0.10.5 ares (26 cents). While so, the petitioner's family sold their extent of land to the 4th respondent, who in turn got her name entered in patta no.1306 in respect of the land in S.F.No.287/10F and the petitioner's family apart from the above lands, also owning and enjoying other agricultural lands, for which patta no.225 was issued under the Tamil Nadu Patta Passbook Act in favour of the petitioner's father. After the demise of the father of the petitioner, the name transfer was not effected till date and taking advantage of the same, the 4th respondent seems to have influenced the VAO, to get patta in respect of the land in S.F.No.287/10D and even without the knowledge of the petitioner, entered the 4th respondent name in the revenue records and issued patta no.2120 and on the strength of the same, a Settlement Deed was executed in favour of her daughter on 20.05.2014. On coming to know about the said mutation entry, the petitioner made objections and thereafter, the VAO realised his mistake and cancelled the entry and subsequently, the Settlement Deed was also cancelled by the Cancellation Deed dated 02.06.2014. Aggrieved by the same, the 4th respondent made an application to the 2nd respondent to effect name transfer in respect of the land in S.F.No.287/10D. On the basis of his application, the 2nd respondent issued notice dated 08.07.2014, calling upon the petitioner to appear for enquiry. Aggrieved by the same, the present petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner and two others have filed a Civil Suit in O.S.No.143 of 2015 before the District Munsif Court, Perambalur, against this respondent and 18 others in respect of the very same property, measuring extent of 10.5 ares (26 cent)



in S.F.No.287/10D, situated at Kariyanur Village, Velluvadi, Veppanthattai Taluk, Perambalur District and the said Suit has been filed for the relief of permanent injunction and further, the 4th respondent has also filed a Civil Suit in O.S.No.164 of 2015 before the very same Court against the petitioner and two others in respect of entire 84 cents purchased by the respondent and both the suits are pending adjudication before the District Munsif Court, Perambalur. Therefore, this Court may permit the petitioner to file fresh application before the jurisdictional Tahsildar for grant of patta, after disposal of the above said Suits.

4. The learned counsel appearing for the 4th respondent submitted that as per Rule 4(4) of the Tamil Nadu Patta Passbook Act, when the Suit is pending, the revenue officials have no power to decide the patta and therefore, in view of the said Rule, this Court may permit the succeeding party in the Suits to file fresh application after disposal of the above said suits, before the competent jurisdictional Tahsildar.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. Considering the fair submission made by the respective learned counsel for the petitioner as well as the 4th respondent, this Court is inclined to issue direction to the 2nd respondent not to process the appeal filed by the 4th respondent, till the disposal of the Suits and after disposal of the Suit, the succeeding party is at liberty to file application before the jurisdictional Tahsildar, for issuance of patta and if any such application is filed, the competent official shall consider the same and pass appropriate orders on merits.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

1.The District Collector,
Perambalur District,
Perambalur.

2.The Sub Collector,
Perambalur,
Perambalur District.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

+lcc to M/s.K.Selvaraj, Advocate 21538
+lcc to the Government Pleader Sr.22267

W.P.No.20282 of 2014

skm[co]
srg 28/04/2022