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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24099 OF 2021

AND

W.M.P.NOS.25402 AND 25403 OF 2021

Jeganathan

... Petitioner

Vs.

1. The District Collector,
Salem District,
District Collectorate, Salem - 1.
2. Revenue Divisional Officer,
Attur Taluk, Salem Cuddalore Main Road,
Near Fire Station,
Attur, Salem District.
3. Tahsildar, Attur Taluk,
Taluk Office Premises,
Attur Taluk, Salem District.
4. Revenue Inspector,
Attur Firka,
Taluk Office Premises,
Attur Taluk, Salem District.
5. Village Administrative Officer,
Mullaivaadi Village and Post,
Attur Taluk, Salem District.
6. Village Administrative Officer,
Appamasamudram Village and Post,
Attur Taluk, Salem District.
7. The Special Tahsildar / Settlement Tashildar,
UDR, Attur Taluk,
Salem District.

8. R.Sasikala

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records culminating in issuance of the UDR joint patta dated 11.10.2021 in respect of lands in survey Nos.35 and 36 in Mullaivaadi Village measuring 7 Ares and 40 Square meters and 9.88 Acres, 2 Ares - 30 Square meters, respectively and Lands in Survey No.73/2B1 measuring 2.95 Acres in Appamasamudram Village (UDR patta No.364) and quash the same and direct the official respondents 1 to 7 to abide by the decision in the title suits between the parties hereto vide O.S.No.138/2020, and O.S.No.134/2020, on file of Hon'ble Mahila Court, Namakkal District and effect mutation of Revenue Records including UDR patta in accordance with the decision / judgment of the competent civil court.

For Petitioner : Mr.K.Shakespeare

For Respondents : Mr.T.Chezhiyan for R1 to R7
Additional Government Pleader
Mr.J.Prithivi for R8

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records culminating in issuance of the UDR joint patta dated 11.10.2021 in respect of lands in survey Nos.35 and 36 in Mullaivaadi Village measuring 7 Ares and 40 Square meters and 9.88 Acres, 2 Ares - 30 Square meters, respectively and Lands in Survey No.73/2B1 measuring 2.95 Acres in Appamasamudram Village (UDR patta No.364) and to quash the same and to direct the official respondents 1 to 7 to abide by the decision in the title suits between the parties hereto vide O.S.No.138 of 2020, and O.S.No.134 of 2020, on file of the Mahila Court, Namakkal District and effect mutation of Revenue Records including UDR patta in accordance with the decision / judgment of the competent civil Court.

2.The case of the petitioner is that the petitioner's father executed a notarized Will in favour of the petitioner's daughters over his common 1/3rd share in the lands at Mullaivaadi Village and Appamasamudram and the entire properties are under the petitioner's direct cultivation. The father of the eighth respondent had not taken physical possession of his share and he



executed sale deed in favour of his daughter. On coming to know about the same, the petitioner filed O.S.No.134 of 2020 on the file of the District Munsif Court, Attur. The eighth respondent filed O.S.No.138 of 2020 on the file of the Mahila Court, Namakkal District. Thereafter, vide order dated 09.02.2021 made in Tr.C.M.P.No.482 of 2020, O.S.No.134 of 2020 was transferred to the file of the Mahila Court, Namakkal District to be tried along with O.S.No.138 of 2020.

3.The further case of the petitioner is that in the meanwhile, the eighth respondent approached the respondents 5 and 6 for mutation of revenue records. Hence, the petitioner issued legal notice through his counsel to the official respondent not to effect mutation of revenue records pending adjudication of civil suits. However, the official respondents issued joint patta in the names of the petitioner and eighth respondent without any enquiry and without any notice to the petitioner. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that the suits filed by the petitioner as well as the eighth respondent is pending before the Mahila Court, Namakkal District, wherein, the official respondents are arrayed as party. Hence, without going into the merits of the case, this Court may permit the petitioner to canvass all the points before the Mahila Court, Namakkal District during the trial in O.S.No.134 of 2020 and O.S.No.138 of 2020 and the impugned order is subject to the result of the pending suits.

5.The learned counsel appearing for the eighth respondent raise no serious objection.

6.The facts in the present case is not in dispute. Admittedly, the suits filed by the petitioner as well as by the eighth respondent is pending before the Mahila Court, Namakkal District. Hence, this Court is inclined to quash the impugned order, however, the impugned order is subject to the result of the suits in O.S.No.134 of 2020 and O.S.No.138 of 2020 pending before the Mahila Court, Namakkal District. The petitioner as well as the eighth respondent are permitted to canvass all the points during the trial in O.S.No.134 of 2020 and O.S.No.138 of 2020. The official respondents are directed to abide by the order that is to be passed by the Mahila Court, Namakkal District, in O.S.No.134 of 2020 and O.S.No.138 of 2020.



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7. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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District Collectorate, Salem - 1.
2. The Revenue Divisional Officer,
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7. The Special Tahsildar / Settlement Tashildar,
UDR, Attur Taluk, Salem District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.10173

+1cc to Mr.K.Shakespeare, Advocate, S.R.No.10145

W.P.No.24099 of 2021

And W.M.P.Nos.25402 and 25403 of 2021

KK(CO)

RLP(16/03/2022)