



W.P(MD)No.1233 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1233 of 2019

and

W.M.P.(MD)No.1052 of 2019

M.Meenashi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Sub Collector,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.Manimalai

5.Bavani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to grant patta in favour of petitioner based on registered sale deed 17.07.1970 for the property comprised in Old.S.No.57, New S.No.57/5, for an extent of



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439.27 Sq.meter, Kilavadipallam, Vellikatti Village, Devakottai Taluk,
Sivagangai District.

For Petitioner : Mr.R.Murali
For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader
For R4 & R5 : Mr.N.S.Karthikeyan

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of patta in his favour in respect of the petition mentioned land.

3. The writ petition was filed in January 2019. The learned counsel appearing for the private respondents points out that after filing the present writ petition, the petitioner instituted O.S.No.95 of 2019 on the file of the Sub Court, Devakottai seeking the relief of declaration and permanent injunction in respect of the petition mentioned property. I verified the particulars set out in the writ prayer with the suit schedule also.

4. I am satisfied that the relief sought for in the present writ petition has been sought in the suit also. When the jurisdictional civil court is seized of the matter and declaratory relief has been sought, the revenue authorities will not be justified in considering the application for patta. The petitioner has to necessarily pursue his remedy only in the pending suit.



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5. With this liberty to the petitioner to canvass all her contentions in O.S.No.95 of 2019 on the file of the Sub Court, Devakottai, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2022

Index : Yes / No
Internet : Yes/ No
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To

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- 3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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