



W.P(MD)No.287 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.287 of 2015

and

M.P(MD)No.1 of 2015

Rajendran,

: Petitioner

Vs

1. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District

2. Kalandhar Mohideen,

3. Sakthivel,

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to refrain from transferring patta for land in Survey No. 169/1, extent of 14 acres at Nattumangalam Village, Aranthangi Taluk, Pudukkottai District.



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For Petitioner : Mr.N.B.Balakrishnan
For R1 : Mr.M.Lingadurai
Special Government Pleader
For R2 : Mr.Karthik Raja
For M/s.Ajmal Associates
For R3 : Mr.D.Nallathambi

ORDER

The present writ petition had been filed seeking a Mandamus, forbearing the first respondent herein from transferring the patta for land in S.No.169/1 measuring to an extent of 14 acres situated at Nattumangalam Village, Aranthangi Taluk, Pudukkottai District.

2.According to the petitioner, originally settlement patta was granted in the name of the petitioner's father and mother along with the father of the third respondent, namely Muthiah Thevar. All the joint pattadhars had passed away. A suit for partition was filed in O.S.No.44 of 2004, on the file of the learned Principal District Munsif Court, Pudukkottai and the same was dismissed. Thereafter, the plaintiff therein had filed an Appeal in A.S(MD).No.638 of 2011, before this Court. This Court allowed the said Appeal and remitted the matter to the Trial Court. Hence, as on today, the suit in O.S.No.44 of 2004 is pending for disposal.



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3. In view of the above said pendency of the suit for partition, the revenue authorities will not have any jurisdiction to entertain any request for transfer of patta. As on today, the patta stands in the name of Samuel Thevar and his wife and Muthaih thevar. The said position shall continue till the disposal of the said suit. Based on the civil Court judgment, the parties are at liberty to approach the revenue authorities for effecting mutation.

4. With the above observation, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

05.09.2022

Index: Yes/No

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To

The Tahsildar,
Aranthangi Taluk,
Pudukkottai District



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R.VIJAYAKUMAR, J.

lr

ORDER MADE IN

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