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W.P.No.901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.901 of 2023
and WMP.No.878 of 2023

K.Chandramani

... Petitioner

-Vs-

The Tahsildar,
Office of the Tahsildar,
Rasipuram Taluk,
Namakkal District.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order No.2022/0103/09/311839 dated 02.01.2023 of the respondent and to quash the same, consequently direct the respondent to restore the patta in name of original owner within a time to be stipulated by this Court.

For Petitioner	: Dr.A.Thiyagarajan, Senior Counsel for Mr.S.Sathish Kumar
For Respondent	: Mrs.Akila Rajendran Government Advocate



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ORDER

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2. Assailing the same, Dr.A.Thiyagarajan, learned Senior Counsel appearing for the petitioner would submit that, the cryptic order passed by the respondent only says that the Civil suit is pending, because of pendency of the Civil suit, the plea sought for by the petitioner for issuance of patta cannot be considered. The said reason cited by the respondent would not stand in the legal scrutiny in view of the number of judgments passed by this Court. Therefore, learned Senior Counsel seeks indulgence of this Court.

3. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondent, who would fairly submit that number of orders have been passed by this Court stating that, mere pendency of the Civil suit or a Civil case would not be a reason for not considering the application submitted by the parties for getting patta. Therefore to that extent, the reason stated by the respondent may not be justifiable.



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4. I am in complete agreement with the said submission made by the learned Senior Counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent.

5. The said reason cited by the respondent in the impugned order stating that a civil case is pending for non consideration of the application of the petitioner for issuance of patta cannot be a worthy reason to be considered within the meaning of Patta Pass Book Act, 1983. Therefore, this Court has no hesitation to hold that the impugned order would not stand in the legal scrutiny.

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

- ◆ That the impugned order is set aside and the matter is remitted back to the respondent for reconsideration.
- ◆ While reconsidering the same, unmindful of the pendency of the civil suit, if there is no prohibitory order or interim order restraining the respondent from proceeding further to issue patta or change of patta, it is open to the respondent to



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proceed independently to decide the application submitted by the petitioner for issuance of patta on merits and in accordance with law and pass orders thereon within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

12.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

mp

To

The Tahsildar,
Office of the Tahsildar,
Rasipuram Taluk,
Namakkal District.



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R.SURESH KUMAR, J.

mp

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