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W.P.No.13046 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13046 of 2021

A.Pounammal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Perambalur District,
Perambalur.
- 3.The Revenue Divisional Officer,
Perambalur.
- 4.The Tahsildar,
Alathur Taluk,
Alathur,
Perambalur Taluk.
- 5.The Assistant Executive Engineer (PWD/WRO)
Maruthaiyaru Basin Sub Davison,
Perambalur.
- 6.D.Azhagappan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to conduct proper enquiry and remove the name entered in the Patta 249, 344, 1218 and 1238 except the petitioner husband's name A.Azhagappan and issue joint patta in favour of the petitioner and her daughters namely A.Vijayalakshmi and A.Bakyalakshmi in respect of the Survey numbers 308/1, 308/9A, 286/3B2, 286/4A, 307/9B, 307/9C, 308/3D, 316/12A1, 316/12B, 316/12D, 316/12G, 316/7B, 308/12 and 307/20 situated at Kottarai Village, Alathur Taluk, Perambalur District.

For Petitioner	: Mr.B.Saravanan
For R1 to R5	: Mr.T.Venkatesh Kumar Special Government Pleader
For R6	: No Appearance

ORDER

The relief sought for in the present writ petition to direct the respondents to conduct an enquiry and remove the name entered in the Patta 249, 344, 1218 and 1238 except the petitioner husband's name A.Azhagappan and issue joint patta in favour of the petitioner and her daughters namely A.Vijayalakshmi and A.Bakyalakshmi in respect of the Survey numbers 308/1, 308/9A, 286/3B2, 286/4A, 307/9B, 307/9C, 308/3D, 316/12A1, 316/12B, 316/12D, 316/12G, 316/7B, 308/12 and 307/20 situated



at Kottarai Village, Alathur Taluk, Perambalur District.

2. The Special Government Pleader appearing on behalf of the respondents 1 to 5 brought to the notice of this Court that a civil suit in O.S.No.126 of 2016 is pending on the file of the Subordinate Court, Tiruttani. During the pendency of the Suit, the Revenue Authorities are not competent to conduct an enquiry for grant of patta, cancellation of patta or to mutate the revenue records.

3. Under Section 3 of the Tamil Nadu Patta Pass Book Act, 1983, the land owner is entitled to submit an application for grant of patta. In the event of any dispute with respect to an immovable property and a civil suit is pending, after the disposal of the civil suit either of the party has to submit an application for grant of patta, cancellation of patta or otherwise. Since the civil suit is pending, the relief as such sought for cannot be granted.

4. That apart, the District Collector, Perambalur filed a counter affidavit stating that the three sons of A.Duraisamy along with one Ambika have executed a sale deed in favour of Executive Engineer, Public Works



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Department, representing Tami Nadu Government for the project of “Kottarai-Maruthaiyaru Dam” through Deed No.1054 dated 02.06.2016 in respect of the properties comprised in Survey Nos.286/3B2, 286/4A, 307/9B, 307/9C, 307/9G & 316/12A1. Further more, the three brothers have jointly executed a Sale Deed No.2077 dated 22.09.2016 in respect of Survey No.308/3D in favour of the above project in the name of PWD. Also among the three brothers Azhagappan and Kandasamy have executed a sale deed No.2262 dated 26.10.2016 for the above project in respect of Survey Nos.308/1 and 308/9A. After the execution of the above sale deeds in favour of the Public Works Department in the project of “Kottarai Maruthaiyaru Dam”, the said respective vendors have also obtained compensation from the Government.

5. In view of the said factum, the petitioners are not entitled for the relief as such sought for in the present writ petitioner and accordingly, this Writ Petition stands dismissed. No costs.

10.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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