



WEB COPY



W.P.No.12789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12789 of 2023

Lakshmi

... Petitioner

Vs.

1. The Revenue Tahsildar,
Gengavalli Taluk Office,
Salem District.

2. Chinnammal

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the record pertaining to the Order passed by the 1st Respondent in File No. 2022/0103/08/347428 dated 07.02.2023 and quash the same, also directing the 1st Respondent to consider the petitioner representation dated 07.12.2022.

For Petitioner : Mr.A.Yogaraj

For Respondents
(for R1) : Mr.E.Sundaram
Government Advocate
(for R2) : Mr.L.Rajendran



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ORDER

The order passed by the Tahsildar, rejecting the claim of the writ petitioner for transfer of patta is under challenge in the present writ petition.

2. Admittedly, a suit for partition in O.S.No.289 of 2020 is pending on the file of the Subordinate Court at Attur. During the pendency of the Civil Suit, the Revenue Authorities cannot issue patta in favour of any person. Under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, the Authorities can issue patta only in favour of the owners. In the event of any dispute or pendency in disposal of the civil suit, the ownership cannot be adjudicated or determined by the Revenue Authorities and thus, the application submitted during the pendency of the civil suit is not entertainable.

3. The petitioner is the purchaser of the property and subsequently, partition suit was instituted between the family members. In view of the fact that the suit is pending, the petitioner is at liberty to submit an



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application after disposal of the civil suit and on reaching finality in
respect of the civil litigations filed between the parties.

4. With these liberties the writ petition stands **disposed of** . No
costs.

19.09.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Revenue Tahsildar,
Gengavalli Taluk Office,
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S.M.SUBRAMANIAM. J.,

(sha)

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