



W.P.No.20775 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.20775 of 2019
and
W.M.P.No.19952 of 2019

Neelavathy

...Petitioner

Vs

- 1.The District Collector,
Coimbatore District,
Collectorate Building,
Coimbatore - 641 018.
- 2.The Tahsildar,
Annur,
Coimbatore District - 641 653.
- 3.The Village Administrative Officer,
Kurumbapalayam/Kuppaepalayam,
Annur,
Coimbatore District - 641 653.
- 4.Vasanthamani
- 5.Suguna
- 6.Jayakumar



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7.Parthasarathy

8.Vimala

9.Minor Hamnath

10.N.Ramani

11.Chitra Shyamsundar

12.N.Saravanakumar

13.Janakiraman

14.L.Ravikumar

15.M.Kabilan

...Respondents

*(R4 to R12 impleaded vide order dated 26.07.2019 in WMP.No.21499 of 2019 in WP.No.20775 of 2019)
(R13 to R15 impleaded vide order dated 20.03.2023 in WMP.No.31588 of 2022 in WP.No.20775 of 2019)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 20.06.2019 made to the respondents and refrain from taking steps for the mutation of the revenue records in respect of the property consisting of 2.50 acres in S.F.No.58 (Patta No.15) at Kuppaepalayam, Annur Taluk, Coimbatore District until the conclusion of the proceedings in O.S.No.176/2005 on the file of the Principal Subordinate Judge Court, Coimbatore.



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For Petitioner : Mr.Naveen Kumar Murthi

For R1 to R3 : Ms.Akila Rajendran,
Government Advocate

For R13 to R15 : Dr.S.S.Swaminathan

ORDER

Heard Mr.Naveen Kumar Murthi, learned counsel for the petitioner, Ms.Akila Rajendran, learned Government Advocate for the respondents 1 to 3 and Dr.S.S.Swaminathan, learned counsel for the respondents 13 to 15.

2. Under the proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, as well as Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, when the Tahsildar is satisfied that the dispute concerning ownership of patta is already pending in a Civil Court, he shall direct the concerned authorities to obtain an order of ownership from the Civil Court having jurisdiction and thereafter exercise his powers for making changes in the entries for patta pass book.



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3. The learned Government Advocate appearing for the official respondents, on instructions, submitted that in connection with the subject lands in Survey No.58, measuring 2.50 Acres, two suits in O.S.Nos.176 of 2005 and 110 of 2013 are pending before the District Court, Coimbatore.

4. If that be so, the Tahsildar may not have the authority to proceed with the request of the petitioner, seeking for mutation of the revenue records. As and when the petitioner or the private respondents succeed in the Civil Suits and the same attains finality, they are at liberty to workout their remedies by making representations before the concerned Revenue Tahsildar, seeking for mutation of the patta.

5. In the light of the pendency of the Civil Suits, the claim of the petitioner cannot be considered. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is also closed.

20.03.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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