



W.P.No.30024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30024 of 2023
and
W.M.P.No.29651 of 2023

P.C.Shanmugam

... Petitioner

versus

1.The District Revenue Officer,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode District, Erode.

3.The Thasildar,
Perundurai,
Erode.

4.C.Viswanathan

5.C.Nallasamy

6.Chenniappan

7.Palanisamy

8.Periyasamy

9.Manikandan

10.Subbayal

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue

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a Writ of Certiorarified Mandamus calling for the records of the first Respondent pertaining to his proceedings in Na.Ka.7274 / 2022 / U4 dated 29.07.2022 and quash the same and consequently direct the first respondent to include the petitioner's name in the joint patta for the property to an extent of 1.74-1/4 Acres in S. F. No 16 and R.S. No 87/1 to 17 in Polanaickenpalayam village, Perundurai Taluk, Erode District.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.R.P.Murugan Raja
Government Advocate for R1 to R3

ORDER

Mr.R.P.Murugan Raja, learned Government Advocate takes notice for respondents 1 to 3. By consent of both the parties, the writ petition is taken up for final disposal at admission stage itself.

2. This writ petition has been filed to quash the proceedings in Na.Ka.No.7274/2022/U4 dated 29.07.2022 on the file of the first respondent and consequently to direct the first respondent to include the petitioner's name in the joint patta for the property measuring an extent of



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1.74-1/4 Acres in S.F.No.16 and R.S.No.87/1 to 17 in Polanaickenpalayam Village, Perundurai Taluk, Erode District.

3.According to the petitioner, originally one Jamal Hussain and others were the absolute owners of the lands measuring an extent of 6.97 Acres in Old S.F.No.16 corresponding to R.S.No.87/1 to 17 in Polanaickenpalayam Village, Perundurai Taluk, Erode District. After the death of Jamal Hussain, his 1/4th share in the property was succeeded by his legal heirs. Thus, they have jointly sold 1/4th share in the said property to the petitioner vide sale deed dated 10.11.2016 which was registered as Doc.No.5442 of 2016. Ever since he is in possession and enjoyment of the subject property. Since the petitioner is in joint possession of the property, he demanded partition and separate possession from the other land owners, but the joint co-owners were trying to encumber the petitioner's property, hence, the petitioner filed the suit in O.S.No.9 of 2017 before the Subordinate Court, Perundurai seeking partition and separate possession. As the dispute between the petitioner and the other joint owners continued, the petitioner has given a representation dated 14.12.2021 to the second



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respondent requesting to add his name in the joint patta with the adjacent land owners. However, the second respondent rejected the representation of the petitioner on the ground that the suit in O.S.No.9 of 2017 is pending before the learned Subordinate Judge, Perundurai. Challenging the same, the petitioner preferred an appeal before the first respondent, but the same was rejected by the first respondent vide impugned proceedings dated 10.03.2022 for the same reason. Hence, the petitioner is before this Court.

4. The learned Government Advocate for respondents 1 to 3 submitted that as the civil suit is pending, the respondent rejected the representation of the petitioner seeking issuance of joint patta for the subject property and therefore, the prayer in the petition cannot be entertained.

5. Heard the learned counsel on either side and also perused the materials available on record.

6. It is seen that the suit in O.S.No.9 of 2017 seeking partition and separate possession of the subject properties is pending before the



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Subordinate Judge, Perundurai and hence, the first respondent rejected the appeal preferred by the petitioner. Since the dispute between the parties is civil in nature and the petitioner has already approached the civil Court for getting appropriate remedy, the writ petition filed under Article 226 of Constitution of India would not be maintainable.

7. In view of the above, the writ petition is dismissed with liberty to the petitioner to workout his remedy in the manner known to law and raise all his objections in that proceedings. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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