



WEB COPY



W.P.No.34697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.34697 of 2022

Vasanthamani

... Petitioner

Versus

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.

2.Tmt. V. Poonkodi

3.Vijyalakshmi

4.Santhamani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to forbear the respondents from conducting the enquiry for cancellation of Patta No.589 in respect of the property situated at Pulliampatty Village, Avinashi Taluk, Tiruppur District Comprised in SF.No.479/2 to an extent of 1.08 Acres and SF. No.503/3 to an extent of 2.12 Acres as the matter is subjudiced in O.S.No.27 /2019 before the First Additional District Court, Tiruppur.

For Petitioner : Mr. N. Umapathi

For Respondents : Mr. P. Gurunathan,
Additional Government Pleader, (for R1)
: Ms. Dharani Subramanian, (for R2)
: No Appearance (for R3 & R4)

ORDER



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This Writ Petition has been filed to forbear the respondents from conducting the enquiry for cancellation of Patta No.589 with respect to the property situated at Pulliampatty Village, Avinashi Taluk, Tiruppur District, Comprised in S.F.No.479/2 of an extent of 1.08 Acres and SF.No.503/3 of an extent of 2.12 Acres, which are subject matter of O.S.No.27 of 2019 on the file of the First Additional District Court, Tiruppur.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent as well as the learned counsel appearing on behalf of the second respondent. Though notice was served on the respondents 3 & 4 and their names are also printed in the cause list, none appeared on behalf of them.

3. The learned counsel for the petitioner submitted that the second respondent/Tmt.V.Poonkodi, after the demise of her husband, filed the said suit in O.S.No.27 of 2019 against the petitioner, her father - Mr. K. Ramasamy Gounder, and her sisters (respondents 3 & 4) and the subsequent purchaser of A-Schedule Properties, namely Mr. K. Palanisamy, before the First Additional District Court, Tiruppur, for a declaration to declare the settlement deed



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executed on 06.09.2017 by the said Mr. K. Ramasamy Gounder to and in favour of his daughters, and for partition of the suit schedule properties as null and void. Pending the said suit, the second respondent gave a representation dated 22.11.2021, before the Revenue Divisional Officer, Tiruppur/the first respondent herein, to cancel the Patta standing in the name of her husband and father-in-law. Since no action has been taken so far, the petitioner has filed this writ petition before this Court with the above said prayer.

4. Based on the aforesaid representation of the second respondent, summons, dated 24.08.2022 was issued by the Sub-Collector, Tiruppur.

5. A perusal of records, reveals that the second respondent filed the said suit for declaration in O.S.No.27 of 2019 for declaring the settlement deed dated 06.09.2017 as null and void and for partition of the suit schedule properties.

6. Considering the facts and circumstances of the case, and as the writ petitioner is not a stranger to the respondents 2 to 4, as the civil suit is pending between them, this Court is of the view that the Revenue authorities do not have any *locus standi* to conduct the enquiry at this stage.



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7. Since the said civil suit is stated to be still pending, the petitioner and the private respondents herein are at liberty to work out their remedy before the official respondents for obtaining appropriate orders, after attaining finality of the civil suit.

8. With the above observation and direction, the Writ Petition is allowed.

No costs.

17.11.2023

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

klr

To:

The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur District.



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P. VELMURUGAN, J.

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