



W.P.(MD)No.20858 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20858 of 2021

Balambigai

... Petitioner

-VS-

1.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.

2.The Tahsildar,
Pattukottai, Thanjavur District.

3.M.Anandan

4.Revathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to enquire and dispose petitioner's petition, dated 16.06.2020 and reminder representation dated 04.01.2021, within the time as fixed by this Court.

For Petitioner : Mr.S.Senthamilselvan

For R1 and R2 : Mr.A.K.Manikkam
Special Government Pleader



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For R3 and R4 : Mr.S.Deenadhayalan

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to deal with the representation made by the petitioner on 16.06.2020, wherein the petitioner has sought for the cancellation of the Patta issued in favour of the third respondent with respect to the subject property.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

3. There was a dispute between the petitioner and the respondents 3 and 4 with respect to the subject property. Hence, a suit was filed in O.S.No. 118 of 2012 for the relief of permanent injunction and this Suit was decreed by judgment and decree, dated 29.06.2018. The same was challenged by way of filing an appeal in A.S.No.40 of 2018 and the Sub Court, Pattukkottai, by judgment and decree, dated 19.10.2019, reversed the judgment and decree of the Trial Court and allowed the appeal. Aggrieved by the same, the petitioner



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and her husband filed S.A.(MD)No.54 of 2020 before this Court and the same is pending. During the pendency of this Second Appeal, an interim order was passed by this Court on 29.01.2020, ordering interim injunction restraining the respondents 1 to 3 therein from in any manner alienating or encumbering or making obstruction in the suit property.

4. The grievance of the petitioner is that after this interim order was passed by this Court, the Patta was transferred in favour of the third respondent through proceedings of the second respondent/Tahsildar, dated 25.02.2020. Hence, the petitioner made a representation to the Tahsildar in this regard to cancel the Patta. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. The dispute between the petitioner and the private respondents is pending in the Second Appeal and interim order has also been passed by this Court. Probably, the Tahsildar was not aware about the Second Appeal being entertained by this Court and the interim order passed and therefore, proceeded to act upon the decree passed by the appellate Court and transferred the Patta in favour of the third respondent. Normally, the



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Revenue Authorities do not pass such orders when civil proceedings are pending between the parties. Originally, the Patta stood in the name of both the petitioner as well as the third respondent and this position can be restored for the present till the disposal of the Second Appeal. Subject to the result of the Second Appeal, the Tahsildar can act upon the same and pass consequential orders and issue Patta in favour of the succeeding party.

6. This Writ Petition is disposed of with a direction to the second respondent to pass orders on the representation made by the petitioner on 16.06.2020 in the light of the observations made by this Court. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

NCC : Yes/No
Index : Yes/No
smn2

16.11.2023

To

1.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.

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2.The Tahsildar,
Pattukottai, Thanjavur District.

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N.ANAND VENKATESH, J.

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