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W.P. No.3417 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3417 of 2024

M.Jeyakodi

... Petitioner

Vs.

1. The District Collector
Cuddalore District
Cuddalore
2. The District Revenue Officer
Cuddalore District
Cuddalore
3. The Revenue Divisional Officer
Cuddalore
Cuddalore District
4. The Tahsildar
Panruti
Cuddalore District
5. S.Arokiasamy
6. Suresh Praveenkumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 05.01.2024 consequentially to cancel the separate Patta issued in favour of 5th respondent vide Patta No.24968 dated 16.09.2023.

For Petitioner : Mr.Sankar Varadharajan



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For R1 to R4 : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 05.01.2024 consequentially to cancel the separate Patta issued in favour of 5th respondent vide Patta No.24968 dated 16.09.2023.

2. The contention of the petitioner is that on 11.11.2005, the petitioner's husband had executed a settlement deed in favour of the petitioner's son appointing the petitioner as a guardian for the land situated at Old Survey No.1085/1, 2,4, New Survey No.645/1A, to the extent of 7.94 Acres, Veggakollai Village, Kadampuliyur, Cuddalore District and the Joint Patta No.1714 was issued by the 4th respondent. While so, one Arokiasamy, the 5th respondent herein has submitted a representation before the 4th respondent whereby, requesting the 4th respondent to include his name in the said Patta and that the 4th respondent without conducting any enquiry, included the name of the 5th respondent in the said Joint Patta in the year 2018. Further, the 5th respondent has obtained the Land Ownership Certificate from the 4th respondent by using his influence and subsequently, he has executed a settlement deed in favour of his son namely Suresh Praveen



Kumar and also registered the same as Doc. No.837 of 2020 before the Sub Registrar, Panruti in order to create further encumbrances over the property after which, the 5th respondent has obtained separate Patta in his favour in the year 2023. On coming to know about the same, the petitioner made a representation dated 05.01.2024 to the official respondents to cancel the separate Patta issued in favour of the 5th respondent vide Patta No.24968 dated 16.09.2023. Still the same has not been considered. Hence, the present Writ Petition is filed before this Court.

3. Mr.S.J.Mohamed Sathik, learned Government Advocate takes notice for the respondents 1 to 4. Since no adverse order is being passed against the private respondents, notice to the private respondents/respondents 5 and 6 is dispensed with.

4. In the affidavit itself, the petitioner has admitted that she has filed a suit in O.S.No.310/2020 against the private respondents herein and the 6th respondent has also filed a suit in O.S.No.417 of 2021 on the file of the Sub Court, Panruti, for declaration and permanent injunction and the same are pending. Once a Civil Suit has been filed by either of the parties for declaration and the Civil Court is seized of the matter, whatever the revenue transactions or mutation take place pending Civil Suit, the same will not bind the parties to the Civil Suit. Under these circumstances, the petitioner is not



entitled to the relief sought for. However, the petitioner is at liberty to work out her remedy before the Civil Court in the pending suit where she can make all the grounds.

5. Accordingly, this Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs.

6. Before parting with this case, since the said suits are pending from the year 2020 and 2021, a direction is issued to the Subordinate Judge, Panruti, to dispose of both the suits viz., O.S.No.310/2020 and O.S.No.417 of 2021 within a period of six months from the date of receipt of a copy of this order. Further, while disposing the suits, the learned Subordinate Judge shall not be influenced by any of the observations made either by the revenue authorities or by this Court.

14.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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Copy to

The Subordinate Judge,

Panruti,



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P.VELMURUGAN. J.

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