



W.P.No.24326 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.24326 of 2024

- 1.Umapathy
- 2.Vasantha
- 3.Latha Mangeskhar
- 4.Prema
- 5.Mani
- 6.Nagarajan
- 7.Akilan

...Petitioners

Vs.

- 1.The District Collector,
Cuddalore District
Cuddalore.
- 2.The District Revenue Officer,
Cuddalore District
Cuddalore.
- 3.The Revenue Divisional Officer,
Chidambaram
Cuddalore District.
- 4.The Tahsildar



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Kattumannargudi,
5.The Village Administrative Officer,
Velampoondi Village,
Reddiyur Post,
Kattumannarkoil Taluk,
Cuddalore District.

6.Chandrasekaran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents 1 to 5 herein from causing any mutation of Revenue records or transfer of patta in favour of the 6th respondent for the properties which are the subject matter of O.s.No.107 of 2012, on the file of the Court of District Munsif-cum-judicial Magistrate, Kattumannarkoil.

For Petitioners : Mr.A.Muthukumar

For Respondents : Mr.P.Sathish

Additional Government Pleader
for R1 to R5

Mr.G.Pugazhenthir for R6

ORDER

The petitioners seek a mandamus to the respondents 1 to 5 from mutating the revenue records or transferring patta in favour of the 6th respondent for the properties which are the subject matter of the suit in



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O.S.No.107 of 2012 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil. The petitioners 1 to 6 and 7th petitioner's father had purchased the lands which are the subject matter of the suit in O.S.No.107 of 2012 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil from one Muthurajan. These lands have been purchased in the year 2001 and since then the petitioners are in possession and enjoyment of the land by cultivating the same. The 7th petitioner's father Thirunavukarasu was cultivating the said land. While so, the 6th respondent, claiming a right to the property under a Will executed by one Srinivasa Reddiyar filed a suit for declaration and recovery of possession against the petitioners 1 to 6 herein and the father of the 7th petitioner. The suit was dismissed for default on 25.10.2018. The very fact that the 6th respondent has sought for recovery of possession in the suit in O.S.No.107 of 2012 would clearly show that they are not in the possession of the property and therefore, patta cannot be transferred to them. It appears that the 6th respondent has filed an application in I.A.No.72 of 2022 for condoning the delay of 1280 days in seeking to restore the suit which was dismissed for default on 25.10.2018 which is pending adjudication. It appears that notwithstanding the dismissal of the suit for default, the 6th



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respondent is attempting to mutate the revenue records and transfer the patta in his favour with a clear view of creating an encumbrance of the property.

Therefore, the petitioners are before this Court.

2.Heard the learned counsel on either side.

3.Admittedly, the 6th respondent himself has filed a Civil Suit for declaration and recovery of possession, thereby admitting the possession of petitioners 1 to 6 and father of the 7th petitioner. The suit filed has also been dismissed for default and the restoration petition, with delay, is pending. Therefore, since there is dispute with reference to title, the parties shall await the judgment and decree in O.S.No.107 of 2012 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil. The petitioners and respondents 1 to 5 shall not effect the mutation of records and transfer of patta till the disposal of the suit.

4.Accordingly, the writ petition stands allowed.No costs.

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vsn



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To

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P.T. ASHA, J.

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