



WEB COPY



W.P.No.26062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26062 of 2024

T.Sathya

... Petitioner

VS.

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
RDO office at Arani,
Thiruvannamalai District.

3.The Revenue Tahsildar,
Polur Taluk,
Thiruvannamalai District.

4.T.Moorthy

5.T.Babu

6.M.Gayathri

7.S.Karthika

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to



W.P.No.26062 of 2024

conduct survey in the petitioner's lands in S.F.No. 101/2 (96 ½ cents), S.F.No. 104/1 (69 cents) and S.F. No. 7/C1 (42 cents), totally 2.06 Acres in Sothukanni Village, Polur Taluk, Thiruvannamalai District by considering the survey challan dated 04.01.2022 and grant patta based on petitioner's OnLine application dated 25.03.2022 for patta transfer vide Can No.133040116575253 and Application No. 2022/0103/06/274298.

For Petitioner : Mr.N.Manoharan

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to conduct survey of her lands in S.F.No. 101/2 (96 ½ cents), S.F.No. 104/1 (69 cents) and S.F. No. 7/C1 (42 cents), totally 2.06 Acres in Sothukanni Village, Polur Taluk, Thiruvannamalai District, by considering her application dated 04.01.2022 and also to grant patta in her name by considering her online application for transfer of patta dated 25.03.2022.

2. According to the petitioner, her husband purchased the above mentioned properties in court auction sale and Sale Certificate was also



W.P.No.26062 of 2024

issued to her husband on 26.03.1985. Thereafter, the petitioner's husband filed E.A.No.517 of 1985 in E.P.No.203 of 1983 on the file of the learned District Munsif Court, Polur for taking delivery. The delivery was effected in favour of the petitioner's husband on 05.05.1985. It is further stated by the petitioner that subsequently the legal heirs of Judgment Debtor-Thangavel Gounder fraudulently executed certain documents and got the patta mutated in their names under Patta Nos.300 and 299. Therefore, the petitioner filed a petition dated 17.06.2016 before the 3rd respondent seeking mutation of revenue records including patta in her name. The same was rejected by the 3rd respondent by order dated 12.03.2018. Challenging the same, the petitioner filed an appeal on 10.04.2018 before the 2nd respondent and the same is pending.

3. In the meantime, the petitioner filed the instant applications seeking survey of the land and also issuance of patta in her name. When the appeal filed by the petitioner dated 10.04.2018 is pending on the file of the 2nd respondent, the petitioner is not entitled to seek survey of the land, especially when patta for the said property stands in the name respondents 4 and 5. Further, when the appeal filed by the petitioner is pending before the 2nd



W.P.No.26062 of 2024

respondent, the petitioner is not entitled to seek transfer of patta before the 3rd respondent, who already passed an order rejecting the request of the petitioner.

4. Therefore, this Court is not inclined to grant the prayer sought for in the writ petition. However, the 2nd respondent is directed to consider the appeal filed by the petitioner dated 10.04.2018 challenging the order passed by the 3rd respondent dated 12.03.2018 and dispose of the same on its own merit and in accordance with law, after issuing necessary notice to all interested parties including respondents 4 and 5, within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, Writ Petition stands dismissed. No costs.

10.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.26062 of 2024

To

WEB COPY

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
RDO office at Arani,
Thiruvannamalai District.
3. The Revenue Tahsildar,
Polur Taluk,
Thiruvannamalai District.



WEB COPY



W.P.No.26062 of 2024

S.SOUNTHAR, J.

dm

W.P.No.26062 of 2024

10.09.2024