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W.P.No.28817 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28817 of 2024

Thiru.V.Rajamani

...Petitioner

Vs.

1. The Commissioner of Land Administration
Ezhilagam, Chepauk, Chennai-28

2. The Collector
Thiruvannamalai
Thiruvannamalai District.

3. The District Revenue Officer
Thiruvannamalai Town,
Thiruvannamalai District.

4. The Revenue Divisional Officer
Thiruvannamalai Town,
Thiruvannamalai District.

5. The Tahsildar
Chengam Taluk,
Chengam, Thiruvannamalai.

6. The Village Administrative Officer
Melravanthavadi village, Chengam Taluk,
Thiruvannamalai District.

7 .Tmt.Vasugi

8.V.Balaraman

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 to 5 to consider the petitioner representation dated 06.03.2023 and thereby cancel the Patta No. 225 in Survey No. 62/1C, 62/2C, 62/4A1, 62/4B1, 62/6C, 62/10D which stands in the name of 7th and 8th respondents pursuant to the circular Ref.No.K3/27160/2008 dated 13.03.2018 issued by the 1st respondent.

For Petitioner : M/s.A.Rajeshkanna

For Respondents 1 to 6 : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to respondents 2 to 5 to consider his representation dated 06.03.2023 seeking cancellation of Patta No.225 issued in the names of respondents 7 and 8 pertains to property situated in Survey Nos. 62/1C, 62/2C, 62/4A1, 62/4B1, 62/6C, 62/10D at Kattaamaduvu Village, Chengam Taluk, Thiruvannamalai District.

2. It is the case of the petitioner that his father filed a suit for declaration of title and permanent injunction against several persons including one Thollan. The said suit was dismissed and the first appeal filed by the petitioner's father also dismissed. Challenging the same, a second appeal was filed in S.A.No.346 and 327 of 2008 and the same is pending. The 12th



respondent in the second appeal namely Thollan executed a sale deed in favour of one Vasugi, the 7th respondent herein. Based on the said document, she got transfer of patta in her name. Subsequently, the said Vasugi sold the subject property in favour of 8th respondent on 11.02.2023. Based on the said sale deed, the 8th respondent also obtained patta in his name. Therefore, the petitioner submitted a representation before the official respondents seeking cancellation of the patta issued in the names of respondents 7 and 8. It is the case of the petitioner that when the second appeal is pending before this Court, the sale effected by one of the parties in the second appeal namely Thollan in favour of 7th respondent and the subsequent sale executed by 7th respondent in favour of 8th respondent are not valid in the eye of law.

3. From the averment found in the affidavit filed in support of this petition, the respondents 7 and 8 appeared to be *pendente lite* purchaser from one of the party in second appeal namely Thollan. Any sale pending litigation is subject to the result of the same. However, *pendente lite* sale is not a void one but the same is subject to the result of the suit or the appeal as the case



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may be. In the absence of any prohibitory orders against one of the respondents in the second appeal namely Thollan, he sold the property in favour of 7th respondent and she in turn sold it in favour of 8th respondent. Now, based on the said registered documents, mutation had also taken place in favour of private respondents. When the second appeal is pending, it is not open to the petitioner to seek cancellation of the revenue documents in favour of the respondents 7 and 8. Therefore, this Court is not inclined to issue any positive direction to respondents in this case. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to work out his remedy in the pending second appeal and in case of his success in second appeal, he can seek mutation of revenue records based on judgment delivered in second appeal. No costs.

01.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai-28
2. The Collector
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Thiruvannamalai District.
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S.SOUNTHAR, J.

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