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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4114 of 2025

G.Baskar

..Petitioner

Vs.

**1. The Thasildar
O/o.Thasildar,
Vandaloor, Guduvancherry,
Chengalpet District.**

2. Rangan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to consider the representation dated 26.12.2024 of the petitioner as per Rule 10 of the Patta Passbook Act 1983 to issue fresh patta within the time fixed by this Court.

For Petitioner : Mr.M.Rajasekar

**For Respondents : Mr.A.Selvendran
Special Government Pleader for R1**

ORDER



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This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to deal with the representation made by the petitioner on 26.12.2024 wherein the petitioner is seeking for issuance of patta in his name.

2. Heard Mr.M.Rajasekar, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for 1st respondent.

3. The case of the petitioner is that the subject property was originally owned by his grand father and the patta also stood in his name. Thereafter, there was a partition between the petitioner's father and his brother. This partition deed was executed on 03.11.2006 and it was registered as Document No.13114 of 2006. The grievance of the petitioner is that the name of the 2nd respondent was added in the patta and that he does not have any right or title over the property and therefore, the petitioner made a representation to the 1st respondent



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seeking for issuance of separate patta in his name. Since the same was not considered, the present writ petition has been filed before this Court.

4. On carefully going through the records, it is seen that the petitioner's father had already filed a suit in OS No.22 of 2017 which is pending on the file of District Munsif Court, Chengalpattu. In this suit, the 2nd respondent is added as 5th defendant. The petitioner's father has sought for the relief of declaration to declare the partition deed as null and void and also the Sale deed dated 14.07.2015 as null and void and consequential permanent injunction. When this suit is pending, the application has been submitted before the 1st respondent seeking for issuance of fresh patta in the name of the petitioner.

5. In the considered view of this Court, the suit is pending before a competent Civil Court, which will deal with the *inter se* rights of the parties. As on today, there is a joint patta in force. The revenue authority will not independently deal with the issue when the suit is



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pending. Therefore, the revenue authority will have to necessarily await for the final result in the suit and only thereafter, the revenue authority can act upon the representation made by the petitioner. Therefore, the petitioner will have to necessarily await for the result in the pending suit and thereafter, approach the 1st respondent. Except giving this clarity, no further orders can be passed in this writ petition.

6. This writ petition is disposed of with the above directions.

No costs.

13.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.
rka

The Thasildar
O/o.Thasildar,
Vandaloor, Guduvancherry,
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