



W.P.No.17099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.17099 of 2023
and WMP No.16267 of 2023

R.Rajkumar

.... Petitioner

-Vs-

1.The District Collector
Collectorate Office
Tiruvannamalai District.

2.The Revenue Divisional Officer
RDO Office, Cheyyar Division
Tiruvannamalai District.

3.The Tahsildar
Taluk Office
Chetpet Taluk
Tiruvannamalai District.

4.The Village Administrative Officer
VAO Office, Chittathurai Village
Athurai Post, Chetpet Taluk
Tiruvannamalai District.

5.The Sub Registrar
SRO Office, Polur
Tiruvannamalai District.

6.Niranjana

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the file of the 3rd respondent relating to the impugned order dated 18.05.2023 passed in Muu.Mu. Aa 1/2164/ 2018 thereby directing to include the name of the 6th respondent as joint patta holder in properties situate at Chittathurai Village Chetpet Taluk Tiruvannamalai District comprised in Survey No.114/2 measuring 2.69 acres Survey No.119/1 measuring 4.92 acres and the well situate within its limits together with EB Motor connection bearing No.18 and in Survey No.208/1-0015 / 00154 sq.mt patta No.64 based on the preliminary decree dated 11.04.2023 passed in OS No.239/2022 by the Honourable Sub Court, Polur, Tiruvannamalai District thereby declaring that the 6th respondent is entitled to ½ share in the aforesaid properties and to quash the same.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R5

Mr.P.Murali for R6

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the 3rd respondent dated 18.05.2023, directing the inclusion of the name of the 6th respondent as a joint patta holder with respect to the subject property.



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2. Heard Ms.S.P.Arthi, learned counsel for the petitioner, Mr.A.Selvendran, learned Special Government Pleader for R1 to R5 and Mr.P.Murali, learned counsel for R6.

3. The patta with respect to the subject property originally stood in the name of the father of the petitioner. He died in the year 2008 and the property was succeeded by the legal heirs. Thereafter, there was a partition among the family members through a partition deed dated 14.07.2016. By virtue of the said partition, the subject property in the present writ petition was allotted in the name of the petitioner. Thereafter, the revenue records were also mutated in the name of the petitioner and thereafter the patta was issued in the name of the petitioner. Subsequently, the 6th and 7th respondents filed a suit in O.S.No.35 of 2018, which was renumbered as O.S.No.182 of 2022 and thereafter renumbered as O.S.No.239 of 2022, before the Sub Court, Polur praying for the relief of partition and other consequential reliefs. The suit was contested and ultimately a judgement and decree was passed dated 11.04.2023 to the effect that the 6th respondent is entitled for 1/2 share in the suit property.

4. Based on the above judgement, representation was made before the 3rd respondent seeking for adding the name of the 6th respondent as a joint patta holder.



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An enquiry was conducted and the impugned proceedings dated 18.05.2023 was passed by the 3rd respondent adding the name of the 6th respondent as a joint patta holder based on the preliminary decree passed in the suit.

5.The order has been passed mainly on the ground that no appeal was filed as against the preliminary decree passed by the Trial Court. However, it is brought to the notice of this Court that an appeal has been filed and the same is pending in AS.No.20 of 2023 on the file of the Additional district Court, Tiruvannamalai and the same is at the stage of final hearing.

6.The specific case of the petitioner is that pursuant to the partition deed dated 14.07.2016, the 6th respondent does not have any share in the property and hence, addition of the name of the 6th respondent as a joint patta holder was resisted by the petitioner. The case is now at the stage of final hearing before the Appellate Court.

7.In the light of the above development and in view of the fact that the case is now pending in the Appellate Court and in order to balance the rights of both sides, this Court directs the impugned order passed by the 3rd respondent dated 18.05.2023 to be kept in abeyance. Depending upon the final result in the pending proceedings, if the petitioner succeeds, the proceedings dated 18.05.2023 shall be withdrawn by the 3rd respondent. If the 6th respondent succeeds, the order dated 18.05.2023 shall



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stand confirmed and will be given effect to.

8.This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

NCS : Yes/No

KP

To

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N.ANAND VENKATESH, J.

KP

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