



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 23976 of 2025

and

WMP No. 26957 of 2025

Anjalai

Petitioner(s)

Vs

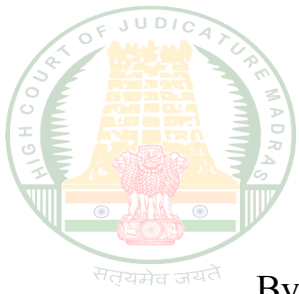
The Tahsildar
Sankarapuram & Taluk,
Kallakuruchi District.

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India praying for a writ of certiorarified mandamus calling for records pertaining to the impugned order dated 26.03.2025 in Ref No. Na. Ka A3/696/2025 issued by the respondent and to quash the same as illegal incompetent and ultra virus and consequently direct the respondent to sub divide my land in survey No. 51/1 at Cholampattu village and to pass.

For Petitioner(s): Mr.V.Gunasekar

For Respondent(s): Mr.P.Sathish, AGP

**ORDER**

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By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed praying for a writ of certiorarified mandamus, challenging the impugned order dated 26.03.2025 passed by the respondent and consequently direct the respondent to sub-divide the petitioner's land comprised in S.No.51/1 at Chokampattu Village.

3. It is submitted by the learned counsel for the petitioner that petitioner submitted an application on 30.08.2024 to the Tahsildar, Sankarapuram Taluk, Kallakurichi District to survey and sub-divide the petitioner land in Survey No.51/1 situated at Chokampattu Village, due to dispute arising between petitioner and adjacent land owner. However, the respondent/Tahsildar refused to sub-divide and survey the property citing pendency of a suit filed by the adjacent land owner Selvam in O.S.No.370 of 2024 before the District Munsif Court at Sankarapuram. It is contended that the suit was filed only with



reference to a boundary in respect of the property in dispute and insofar as Survey No.51/1 is concerned, there is no dispute.

4. However, the learned Additional Government Pleader appearing on behalf of the respondent would submit that in view of Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, during the pendency of a Civil Suit between the parties, the authorities cannot proceed to mutate patta. In light of the said Rule, the respondent is precluded from taking any further action in the matter until the civil suit is disposed of by the Competent Civil Court of Law.

5. Having considered the submission made by both sides, the concerned respondent would examine if the property comprised in Survey No.51/1 in respect of which mutation of patta is sought is the subject matter in any pending suit. It is open to the petitioner to submit its response indicating that there is no pending suit with regard to the subject property viz., Survey No.51/1 by treating the impugned order as a notice which shall be considered and appropriate orders shall be passed in accordance with law after affording a reasonable opportunity



of hearing to petitioner and any other interested parties. Agreed to by the learned counsel for the petitioner and respondents.

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6. In view thereof, the impugned order dated 26.03.2025 is set aside. The writ petition stands disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Jeni

To

The Tahsildar

Sankarapuram & Taluk,

Kallakuruchi District



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MOHAMMED SHAFFIQ J.

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