



W.P(MD)No.29055 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29055 of 2023

Kallanai

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
Sivagangai Taluk Office,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to issue Separate patta in petitioner's name in respect of land



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in survey No.69/6 with an extent of 9 cents out of 45 cents situated at Arasanur Village, Arasanur Group, Thiruppuvanam Sub Registration Office, Sivagangai Registration District, Sivagangai District based on the petitioner's representation dated 31.10.2023.

For Petitioner : Mr.S.K.Muthamil Venthan

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner has applied to the fourth respondent for issuance of separate patta.

3.As rightly pointed out by the learned Additional Government Pleader, patta is standing in the name of five persons. It is for the petitioner to obtain the death certificate and legal heir certificate of the pattadhars. If consensus can be arrived at among all the joint pattadhars, on that basis survey can be done and separate patta can also be issued. If consensus could not be arrived at among all the joint pattadhars, then the



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only remedy open to the petitioner is to file a suit for partition before the jurisdictional civil Court. The Tahsildar cannot be expected to pass a partition decree. I give liberty to the petitioner to approach the fourth respondent with consent affidavit from the co-pattadhars. If the petitioner is able to arrive at consensus, the fourth respondent shall act on the same and issue separate patta in favour of the petitioner.

4. With these observations, this writ petition is disposed of. There shall be no order as to costs.

11.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai, Sivagangai District.
3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

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G.R.SWAMINATHAN, J.

MGA

4.The Tahsildar,
Sivagangai Taluk Office,
Sivagangai District.

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