



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No. 17744 of 2016

P. Sivasakthi

... Petitioner

Vs.

1. The Tahsildhar,
Thirumangalam Taluk,
Madurai District.

2. Jayalakshmi

3. Seetha Lakshmi

4. Chitra

5. Sivajothi

6. P. Chellapandi

7. Muthulakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to quash the respondent impugned order Na.Ka.No.7681/2016/E4 dated 29.07.2016 and consequential direction to the respondent to issue separate patta individually in favour of petitioners brother, petitioners sisters and the petitioner.

For Petitioner : Mr. K. K. Samy

For Respondents : Mr. C. Selvaraj

Spl. Government Pleader for R1

Mr. P. Baskaran

for R2 to R5 & R7

R6-No Appearance

ORDER

This writ petition is filed challenging the order of the first respondent, dated 29.07.2016, wherein, the request of the petitioner for grant of separate patta has been rejected on the reason that the petitioner has to get a separate partition deed executed between the parties for getting such separate patta.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 5 to 7. Though notice was served on the 6th respondent, he has not chosen to appear either in person or through his counsel. His name is printed in the cause list.

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3. The petitioner seeks for grant of separate patta in pursuant to a compromise entered in O.S.No.1181 of 2010, on the file of II Additional Subordinate Judge, Madurai (camp at



Tirumangalam) before the Lok Adalat on 06.01.2015.

4. The grievance of the petitioner is that as per the terms of settlement arrived between the parties and recorded in the said Lok Adalat on 06.01.2015, the petitioner and the respondents 2 to 7 are entitled to have separate patta, since they were individually allotted their respective share in the compromise memo.

5. No doubt, perusal of the compromise memo annexed in the typed set of papers indicate that the petitioner and the respondents 2 to 7 were allotted certain extent of land individually. However, the fact remains that the petitioner and the respondents 2 to 7 have to identify their respective properties allotted by way of the said compromise. Therefore, they have to first seek the assistance of the survey officials for measuring the property and identifying the same in terms of the above settlement. Only thereafter, they can approach the first respondent and seek for issuance of separate patta. In any event, since the parties have settled the matter before the Lok Adalat and award is also passed to that effect, there is no necessity for them to enter into separate partition deed as observed by the first respondent in the impugned order. Therefore, the petitioner and the respondents 2 to 7 are directed to approach the survey officials and seek for measurement of the respective property in terms of above settlement arrived in the Lok Adalat and thereafter, to approach the first respondent seeking for issuance of separate patta. If any such request is made by the petitioner and the respondents 2 to 7 pursuant to the survey of the land, it is for the first respondent to consider such request and pass orders accordingly without insisting upon the production of separate partition deed.

With the above observation, this writ petition is disposed. No cost.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Tahsildhar,
Thirumangalam Taluk,
Madurai District.

+1cc to Special Government Pleader, SR.6917

+1cc to Mr. K. K. Samy, Advocate, SR.6715

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