



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.19420 of 2021

R.Suresh Babu

... Petitioner

vs.

The Tahsildhar
Karaikudi Taluk
Karaikudi
Sivagangai District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue a patta in respect of New G.R.Survey No.114/2-B to an extent of 15 cents (6618.5 sq.ft) situated at Nataraja Madaveethi, Alagapoori Village, Karaikudi at Sivagangai District to the petitioner on the basis of his representation dated 08-09-2021 and 01-10-2021.

For Petitioner : Mr.PR. Boomirajan
For Respondent : Mr.D.Gandhiraj
Special Government Pleader.

O R D E R

The petitioner is the friend of one Kumarappan. He is not direct relative of Kumarappan. The said Kumarappan died. Thereafter the petitioner claims that the property belonging to Kumarappan and patta of the property belonging to Kumarappan must be given to the petitioner herein. Kumarappan had already married also had one son namely Ramachadran who also died. His wife has been divorced through a private deed executed between the parties. There is also another daughter who is still alive. The petitioner claims right through a Will.

2.The learned Special Government Pleader raised objections with regard to the genuinity of the Will itself which has not been registered and it is only notarized.

3.It is only appropriate that the petitioner approaches the Civil Court claiming necessary right and thereafter claim right over the property. The Writ petition in this regard cannot be maintained and this Court also cannot grant title to the petitioner and it is for the Civill Court to examine the evidence and thereafter declare the status of the petitioner who is friend of Kumarappan and whether he is entitled for the said property



4. With the above observation the Writ Petition stands dismissed. However liberty is granted to the petitioner to file necessary suit before the Civil Court impleading Yogammal erstwhile wife of Kumarappan and the daughter. No cost.

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Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Tahsildhar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-33764[F] dated 09/11/2021)

W.P. (MD) No.19420 of 2021

08.11.2021

DJ(CO)

RS/JGB (17.11.2021) 2P 3C