



W.P.(MD).No.14534 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14534 of 2013

S.Chitradevi

... Petitioner

Vs.

1.The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk, Vadipatti,
Madurai District.

... Respondents

3.S.Ashok

... Proposed Respondent

*(R3 is impleaded vide Court order, dated 23.11.2016 in
M.P(MD)No.1 of 2014 in W.P(MD)No.14534 of 2013)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue patta in the name of the petitioner to an extent of 68 cents in Survey No.154/4A in Thandalai Village, Vadipatti Taluk, Madurai District, based on the representation, dated 12.07.2013.



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W.P.(MD).No.14534 of 2013

For Petitioner : Mr.N.Madhava Govindan

For R-1 & R-2 : Mr.S.Shanmugavel
Additional Government Pleader

For R-3 : Mr.K.Guhan

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent herein for grant of patta for the petitioner for an extent of 68 cents in Survey No.154/4A in Thandalai Village, Vadipatti Taluk, Madurai District.

2. From the counter filed by the third respondent herein it could be seen that O.S.No.1160 of 2014 on the file of the III Additional Sub Court, Madurai, for the relief of declaration of title and permanent injunction is pending. The said suit has been filed by the third respondent as against the present writ petitioner. The present writ petitioner has also filed O.S.No.933 of 2018 before the III Additional Sub Court, Madurai, for the cancellation of sale deeds standing in the name of the vendors of the third respondent herein and the petitioner has also sought for a preliminary decree for partition in the said suit.



W.P.(MD).No.14534 of 2013

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3. From the above said proceedings, it is very clear that the property, for which the patta is sought for, is allegedly to be a joint family property, even according to the petitioner. In such circumstances, the petitioner's request for grant of exclusive patta in his favour for 68 cents for the disputed survey number is not maintainable. However, the petitioner is at liberty to move the revenue authorities depending upon the result in partition suit.

4. With the above said observations, the writ petition stands disposed of. There shall be no orders as to costs.

10.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk, Vadipatti,
Madurai District.

3/4



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W.P.(MD).No.14534 of 2013

R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.14534 of 2013

10.08.2022