



W.P.(MD)No.12211 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12211 of 2022

and

W.M.P(MD)No.8683 of 2022

S.Chandran

... Petitioner

Vs

1.The District Collector,
Sivagangai.

2.The Revenue Divisional Officer,
Ram Nagar,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

4.The Surveyor,
Devakottai Taluk,
Sivagangai District.

5.The President,
Killiyur Panchayat,
Devakottai Taluk,
Sivagangai District.



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6.M.Karuppiah

7.Anbalagan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent herein to issue patta to the petitioner for entire 12 cents in Survey No.96/8B1 Kiliyur Village, Karkalatur Group, Kiliyur Panchayat, Devakottai Taluk, Sivagangai District, as per concurrent judgement and decree attaining finality in A.S.No.3 of 2015 on the file of Sub Court, Devakottai, dated 18.04.2017 and in accordance with Sec.5(3) of the Tamil Nadu Patta Pass Book Act and Rule 4(7) framed thereunder, by conducting survey and fixing boundaries through fourth respondent as per registered sale deed of the petitioner dated 21.03.2012 vide Doc.No.507/2012.

For Petitioner : Mr.B.Muruganandam

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R.1 to R.4

Mr.D.Sasikumar for R.5

Mr.S.M.Sanjay for R.7

No Appearance for R.6

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of patta for 12 cents in Survey No. 96/8B1 in Kiliyur Village, Devakottai Taluk, Sivagangai District.



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3. It is seen that there was a civil dispute between the petitioner and the sixth respondent herein. The petitioner filed O.S.No.64 of 2013 before the District Munsif Court, Devakottai, for the relief of declaration and permanent injunction. It was decreed as prayed for on 02.09.2014. Aggrieved by the same, the sixth respondent filed A.S.No.3 of 2015 before the Sub Court, Devakottai. The first appeal was dismissed on 18.04.2017. It has since become final. When the petitioner sought issuance of patta, it was not processed. That led to the filing of the present writ petition.

4. After hearing the learned counsel on either side, I am more than satisfied that the petitioner deserves to be granted patta for the suit schedule property covered in O.S.No.64 of 2013 on the file of District Munsif Court, Devakottai.

5. It is seen that the sixth respondent had executed the settlement deed in favour of the seventh respondent who is none other than his son. The seventh respondent claims title only through his father. Since her father had lost his litigation instituted by the petitioner, the seventh respondent also cannot have any objection for grant of patta in terms of the said decree. Therefore, the third respondent is directed to issue patta in favour of the petitioner in terms of the



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aforesaid decree. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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Sivagangai District.
- 3.The Tahsildar,
Devakottai Taluk,
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- 4.The Surveyor,
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G.R.SWAMINATHAN, J.

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