



W.P(MD)No.309 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.309 of 2023

1.E.Meena

2.E.Prabakaran

3.Suriya

... Petitioners

Vs.

The Tahsildar
O/o.Tahsildar,
Aravakurichi Taluk,
Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 02.12.2022 in O.Mu.S. 4984/2022 is passed by the respondent and quash the same and direct the respondent to issue separate patta for the land bearing S.No.9/2B and S.No. 13/2b measuring to an extent of 3 Acres 70 cents (3 Acres 25 Cents) hectors 1.31.57 as per the sale deed dated 24.03.2022 bearing document No.1412/2022 in favour of the petitioners' after Sub Division within the time limit.



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For Petitioners : Mr.AN.Ramanathan

For Respondent : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records relating to a notice dated 02.12.2022 in O.Mu.S.No.4984 of 2022 passed by the respondent / Tahsildar, Aravakurichi Taluk, Karur District, quash the same and direct the said respondent to issue separate patta for the lands in S.No.9/2B, measuring 3.70 acres and S.No.13/2B, measuring 3.25 acres and 1.31.57 hectares according to the sale deed dated 24.03.2022 bearing document No.1412/2022, after subdividing the property.

2. In the affidavit filed in support of the writ petition, it had been stated that the father of the first petitioner K.Elangovan had purchased the property in S.No.9/2 measuring 18 acres and 14 cents. He subdivided S.No.9/2B measuring 3.25 acres and in S.No.13/2 measuring 2.26 acres, totally, measuring 20 acres and 40 cents at Velampadi Village, Aravakurichi Taluk, Karur District. The father of the first petitioner had purchased 3.70 acres in S.No.9/2B and in



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S.No.13/2B by a registered sale deed dated 24.03.2022 which was sold by Chinna Ramasamy.

3. Originally the larger extent of land belonged to one Palanichamy Naiker and Bomma Naicker @ Bommuraj. They and their legal heirs including the vendor of the lands to the father of the petitioners had entered into a partition deed on 15.11.1996 registered as document No.580/1998. The father of the first petitioner purchased the land which had been allotted to Chinna Ramasmy. This was in S.No.9/2B and 13/2B, measuring 20 acres and 40 cents. There was a further subdivision. The lands now in possession of the petitioners are 3 acres and 25 cents (excluding the road). The petitioner had sought for separate patta. This was refused by the Tahsildar by stating that there was a suit pending and had directed the petitioners herein to implead themselves in the said suit.

4. It is stated by the learned counsel for the petitioners that after the lands had been subdivided, the vendor of the father of the petitioners had been allotted C schedule land. With respect to B schedule land, there was a suit filed seeking partition among those who were entitled for the B schedule lands. Thereafter, there was yet another suit filed by one of the co-owners of the B schedule land seeking injunction. In that particular suit, the vendor of the



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father of the petitioner was also made as a defendant. But the title of the petitioners herein had not been disputed. The dispute is only with respect to B schedule property. The suit are not with respect to C schedule property. One suit is with respect to partition of B schedule property and the other suit is with respect to injunction for protection of possession again with respect to B schedule property.

5. The respondent should therefore examine the nature of the suits filed and examine the partition deed and thereafter take a considered decision. Merely stating that the petitioner should get themselves impleaded in that suit and get necessary relief defies logic, since the petitioners are not at all interested in the B schedule property as given in the partition deed. They are interested only in the C schedule property. The suits are only with respect to the B schedule property.

6. Therefore, the order now questioned is set aside and the matter is remitted back to the Tahsildar. The Tahsildar may issue notice to the petitioners herein, examine the partition deed and examine the schedule in the two suits filed and pending and examine whether in those suits, the lands allotted to Chinna Ramasay is the subject matter of the suit and if not, examine the sale deed of the father of the petitioners, whether it relates to the lands involved in



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the suits and if not proceed to do the needful for issuance of patta after following due process. The entire exercise must be completed within a period of 16 weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed. No costs.

29.03.2023

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

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To

The Tahsildar
O/o.Tahsildar,
Aravakurichi Taluk,
Karur District.



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C.V.KARTHIKEYAN, J.

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