



W.P(MD)No.5007 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5007 of 2023

Ponnuthai

... Petitioner

Vs.

The Tahsildar
Taluk Office,
Ottapidaram Taluk,
Thoothukudi District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to issue patta based on the orders of the High Court, Madurai Bench in S.A.No.925/1998 dated 23.04.2008 and on the petitioner's last representation dated 02.02.2023 in respect of properties comprised in S.No.323/10 to an extent of 19 cents out of 38 cents and S.No.295/2 to



W.P(MD)No.5007 of 2023

an extent of 76-1/2 cents out of 1 acre 53 cents situated at K.Velayudhapuram Village, S.Kumarapuram Revenue Village, Ottapidaram Sub Registration District, Thoothukudi Registration District.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the respondent / Tahsildar, Ottapidaram Taluk, Thoothukudi District, to issue patta based on the judgment of the Madurai Bench of Madras High Court in S.A.No.925 of 1998, dated 23.04.2008 with respect to the lands in Survey No.323/10 measuring 19 cents out of a larger area 38 cents and in Survey No.295/2 measuring 76-1/2 cents out of a larger area of 1 acre 53 cents at K.Velayudhapuram



W.P(MD)No.5007 of 2023

Village, S.Kumarapuram Revenue Village, Ottapidaram Sub Registration District, Thoothukudi District.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner had originally filed O.S.No.221 of 1992 for declaration of title and permanent injunction. The suit was decreed. The defendants filed A.S.No.50 of 1993. That was allowed and the judgment of the trial Court was reversed and modified. Thereafter, the petitioner filed S.A.No.925 of 1998. That was allowed. The operative portion of the second Appeal is as follows :

"Consideration of the evidence available on the record and relying upon section 15 (2) (a) of the said Act, the lower appellate court came to the conclusion that the defendants cannot interfere the plaintiffs possession in respect of item nos 1 and 2 of the suit properties. The plea of the relinquishment in favour of the petitioner is not proved in a manner known to law. The lower appellate court granted relief of declaration of title in favor of the plaintiff in respect of the half shares in the suit properties and some more share in the



WEB COPY



W.P(MD)No.5007 of 2023

remaining half share. The lower appellate court also while granting the relief of injunction as claimed by the plaintiff in respect of item nos.1 and 2 of the suit properties, rejected her claim for recovery of possession in respect of the 3rd item of the suit property. I find the plaintiff is entitled for half share in the suit properties in respect of the remaining share of the suit property the parties can agitate before the appropriate forum by filing a separate suit. The second appeal is disposed off accordingly."

Consequent to this order, the share of the petitioner had been declared by the High Court. Therefore, the petitioner had given a representation seeking patta.

3. It is stated by the learned Additional Government Pleader that enquiry is in progress. A direction is given to the respondent to consider the judgment of the High Court in aforementioned S.A.No.925 of 2008, dated 23.04.2008 and thereafter, make a spot inspection, if required, and grant opportunity to all parties including the defendants in O.S.No.221 of 1992 / their legal representatives and pass final orders.



W.P(MD)No.5007 of 2023

Such order should be passed within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition stands disposed of. No costs.

17.04.2023

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

RM

To

The Tahsildar
Taluk Office,
Ottapidaram Taluk,
Thoothukudi District.



WEB COPY



W.P(MD)No.5007 of 2023

C.V.KARTHIKEYAN, J.

rm

W.P(MD)No.5007 of 2023

17.04.2023