



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
W.P(MD)No.8063 of 2023

WEB COPY

M.Dharma Raj

... Petitioner

Vs

1. The District Collector,
Madurai.
2. The District Revenue Officer,
Madurai Collectorate Building, Madurai.
3. The Revenue Divisional Officer,
Madurai Collectorate Campus, Madurai.
4. The Tahsildar,
Madurai West Taluk, Madurai.
5. M.Sekaran

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 - 4 to issue separate patta in respect of survey nos. 18/3A2 extent of 0.45.50, 11/5B extent of 0.17.5, 1/1A extent of 0.13.0, 2/8B extent of 0.09.0, 18/3B extent of 0.31.0, 9/1 extent of 0.23.0, 29/11 extent of 0.36.5, 30/1 extent of 0.18.0 and 27/5A extent of 11 cents Keelmathikaattinan Village, based on the online application no. 2022/0103/24/216801, dated 27.06.2022 within a period stipulated time by this Court.

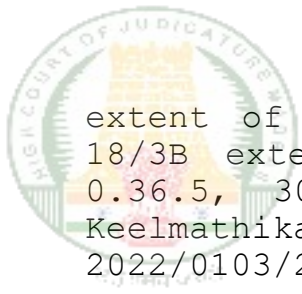
For Petitioner : Mr. VP.Rajan

For R1 to R4 : Mr.J.Ashok
Additional Government Pleader

For R5 : Mr.A.Saravanan

O R D E R

The Writ Petition has been filed in the nature of mandamus seeking a direction against the respondents, particularly the fourth respondent/Tahsildar, Madurai West Taluk, Madurai to grant separate patta with respect to survey nos. 18/3A2 extent of 0.45.50, 11/5B



extent of 0.17.5, 1/1A extent of 0.13.0, 2/8B extent of), 18/3B extent of 0.31.0, 9/1 extent of 0.23.0, 29/11 extent of 0.36.5, 30/1 extent of 0.18.0 and 27/5A extent of 11 cents Keelmathikaattinan Village, based on the online application no. 2022/0103/24/216801, dated 27.06.2022.

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2.The fifth respondent is the brother of the petitioner herein. Let me not enter into a detailed discussion on the merits of the possession of both the petitioner and the fifth respondent. But both are enjoying the property and intended to partition the same. In the suit of partition, during the evidence they have stated that they are having separate possession, therefore, the learned Judge had thought it fit to dismiss the partition suit.

3.Since the issue is between the family members, who are also aware of the nature of relief to be granted, a direction is given to the fourth respondent/Tahsildar, Madurai West Taluk, Madurai to issue notice to the petitioner and fifth respondent and determine their respective possession and thereafter, if they have no objection proceed to issue separate patta, according to the portion, in which, the petitioner and the fifth respondent are respectively in possession. The said exercise should be completed, within a period of eight weeks, from the date of receipt of a copy of this order.

4.Since this Court seeks to avoid reference to any allegation as between the petitioner and the fifth respondent, though counter affidavit filed on behalf of the fifth respondent, the said counter is not reflected in the order.

5.With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

PNM

To

1. The District Collector,
Madurai.
2. The District Revenue Officer,
Madurai Collectorate Building, Madurai.



W.P(MD)



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3. The Revenue Divisional Officer,
Madurai Collectorate Campus, Madurai.

4. The Tahsildar,
Madurai West Taluk, Madurai.

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+2 CC to M/s.A.SARAVANAN, Advocate (SR-29562[F] dated 21/06/2023)

W.P (MD) No. 8063 of 2023
21.06.2023

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RD(10/07/2023) 3P/7C