



W.P.(MD)No.13633 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13633 of 2021

Balamurugan

... Petitioner

vs.

1.The District Collector,
The District Collector Office, Madurai 625 020.

2.The District Revenue Officer,
The District Collector Office Campus, Madurai 625 020.

3.The Revenue Divisional Officer,
Melur Revenue Divisional Office,
Vellari Patti, Melur Taluk, Madurai District.

4.The Thashildhar,
Melur Taluk Office,
Melur, Madurai District 625 106.

5.Vairavan

6.Vadam Vetti

7.Manthakalai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider and pass appropriate orders based on the petitioner's representation dated 19.07.2021 and 28.07.2021 within the time fixed by



W.P.(MD)No.13633 of 2021

this Court.

For Petitioner :Mr.S.A.Ajmal Khan
For R1 to R4 :Mr.B.Saravanan
Additional Government Pleader
For R7 :Mr.Babu Rajendran

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 to deal with the representations made by the petitioner on 19.07.2021 and 28.07.2021, wherein, the petitioner is seeking for the restoration of the names of the persons with respect to the patta issued in Patta Nos.2905 and 2573.

2.Heard Mr.S.A.Ajmal Khan, learned Counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 and Mr.Babu Rajendran, learned Counsel appearing on behalf of the seventh respondent.

3.When the matter was taken up for hearing, the learned Counsel for the seventh respondent submitted that even before filing of the Writ



W.P.(MD)No.13633 of 2021

Petition, the respondents 5 and 6 had died and that during the pendency of the Writ Petition, the seventh respondent also died.

4.The main ground that was raised by the petitioner is that there was a joint patta that was given with respect to the property in S.No. 446/6 and that the patta stood in the names of his father and other relatives. But, however, their names were deleted and that the names of respondents 5 to 7 were added in the joint patta.

5.It is brought to the notice of this Court that during the pendency of this Writ Petition, the petitioner and others have filed a suit in O.S.No. 153 of 2023 before the Subordinate Court, Melur seeking for the relief of partition and that the same is pending.

6.In the considered view of this Court, the entitlement of the rights over the subject property has to be established before the Civil Court in the pending suit and that apart, the petitioner must also independently establish his right before the Civil Court. Based on the judgment and decree passed by the Civil Court, the same can be acted upon by the



W.P.(MD)No.13633 of 2021

revenue authorities. Till then, the revenue authorities cannot parallelly deal with the representation made by the petitioner.

7.In view of the same, it is left open to the petitioner to agitate his right before the competent civil Court in the pending suit and the same will be dealt with on its own merits and in accordance with law. Depending upon the result in the suit, it is left to the petitioner to approach the revenue authorities and seek for inclusion of the names in the patta. Except giving this clarification, no further orders can be passed in this Writ Petition.

8.The Writ Petition is disposed of accordingly. No costs.

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

06.11.2023

cmr

To

4/6



W.P.(MD)No.13633 of 2021

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W.P.(MD)No.13633 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.13633 of 2021

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