



WP(MD)No.11755 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11755 of 2014
and
MP(MD)No.1 of 2014

A.Goesdurai (Died)

1.G.Vanarasi

2.Akshabin

3.Abisha

... Petitioners

[P.1 to P.3 substituted vide order dated 30.03.2023]

v.

1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

2.The Tahsildar,
Peravurani,
Thanjavur District.

3.Susai Paul

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 30.06.2014 made in Mu.Mu.3747/2012 A4 on the file of the first respondent and set aside the same and consequently, directing the respondents to restore the joint patta for the S.No.337/7B at Karuppamanai, Peravoorani II Bit, Thanjavur District.

For Petitioners : Mr.K.P.Sankarakumarakuruparan

For Respondents : Mr.J.K.Jeyaselan
Government Advocate
for R.1, R.2

Mr.P.Thiyagarajan for R.3

ORDER

The petitioner and the third respondent are cousins. The second respondent / Tahsildar has granted patta with regard to the properties in their individual names. Aggrieved over the same, the petitioner preferred an appeal before the first respondent / Revenue Divisional Officer, who, by order dated 30.06.2014, directed the parties to work out their remedy before the competent civil Court. As against the same, the petitioner has preferred this writ petition.



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WEB COP 2. Heard the learned Counsel appearing for the respective parties and perused the available records.

3.The properties in S.Nos.337/7A, 337/7B, 337/20A, 337/20B to an extent of 19 Ares belong to one Susai. The said Susai had four sons, namely, Arulanthu, Marainnan, Devadass and Santhana Samy and the patta in respect of the above properties stood in the names of all four sons [joint patta]. The petitioners herein are the legal heirs of one Goesdurai, son of Arulanthu and the third respondent is the son of Marainnan.

4.Admittedly, there is no partition amongst the family members. However, the revenue authorities appear to have issued patta in favour of the third respondent in respect of one property and in favour of Goesdurai in respect of two properties. In the appeal preferred by Goesdurai, the Revenue Divisional Officer directed the parties to work out their remedy before the competent civil Court.



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5.Considering the fact that the lands originally belonged to one Susai and the patta was issued in the year 1994 as a joint patta in the names of all his four sons, the order passed by the Tahsildar granting patta in individual names in respect of certain properties, without there being any partition, is not proper. Necessarily, the parties have to work out their remedy before the competent civil Court by filing a suit for partition.

6.Therefore, this writ petition is disposed of, with liberty to the petitioners as well as the third respondent to approach the competent civil Court by filing a suit for partition. The order passed by the revenue authorities granting patta in the individual names of Goesdurai and the third respondent are set aside and the original position stood revived. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

20.04.2023



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To

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B.PUGALENDHI, J.

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