



W.P(MD)No.15507 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15507 of 2015
and
M.P.(MD)No.1 of 2015

K.Balu

... Petitioner

Vs.

1.The Tahsildar,
Kamudhi,
Ramanathapuram District.

2.K.Nagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1st respondent from issuing patta to the 2nd respondent in respect of properties mentioned in O.S.No.74 of 2011 on the file of the Subordinate Judge, Paramakudi till the disposal of the said suit by considering the petitioner's representation dated 23.07.2015.



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For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1.

Mr.R.Senthilkumar for R2.

ORDER

Heard both sides.

2.During the pendency of this writ petition, the second respondent passed away. The petitioner and the second respondent are brothers. A partition suit is pending between them. The petitioner filed this writ petition for forbearing the Tahsildar, Kamuthi from issuing any patta in favour of the second respondent till the partition suit is finalized. It is well settled that the final relief in a writ petition cannot be in the nature of interim relief (***AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)***).



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3. Granting liberty to the petitioner to workout his rights in the pending partition suit, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

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

To:-

The Tahsildar,
Kamudhi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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