



W.P.(MD)No.6034 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.6034 of 2016

and

W.M.P.(MD).No.5342 of 2016

V.K.Rajendran

... Petitioner

Vs.

1.The District Revenue Officer,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Karur District, Karur.

3.The Tahsildar,
Karur Taluk, Karur District.

4.The Village Administrative Officer,
Thanthoni Village,
Karur Taluk, Karur District.

5.A.Prabhu.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call for the



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records relating to the proceedings of the second respondent dated 02.03.2009 made in RTR 515 of 2009 on the file of the second respondent and quash the same and consequently restore the patta granted in favour of the petitioner by the second respondent in patta No.564 as per the patta passbook issued by the second respondent.

For Petitioner :Mr.N.Shanmugaselvam

For Respondents :Mr.M.Sarangan
Additional Government Pleader for R1 to R4

:Mr.M.P.Senthil for R5

ORDER

The petitioner assails an order dated 02.03.2009 of the third respondent by which a joint patta was granted in respect of lands bearing Survey Nos.174/1 and 175/A by directing the inclusion of the name of A.Prabhu therein.

2. The petitioner asserts that he purchased the property bearing S.F.Nos.174/1 and 175/A in Thanthoni Village, Karur, along with his brother, under sale deed dated 07.04.2000. Pursuant thereto, it is stated that the patta No.564 was issued in the name of the petitioner and his brother,

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Murugesan. According to the petitioner, the father of the fifth respondent interfered with the petitioner's possession and enjoyment of the property. Therefore, O.S.No.29 of 2003 was filed on the file of the Principal District Munsif Court, Karur seeking a declaration of title in respect of the suit schedule property and a permanent injunction to restrain interference with the petitioner's possession and enjoyment thereof. The said suit was decreed on 09.01.2012. The said decree was assailed by filing A.S.No.45 of 2012, which was dismissed on 19.12.2013. The fifth respondent's father and grandfather filed S.A.(MD).No.196 of 2014 before this Court against the judgment of the first appellate Court.

3. Learned counsel for the petitioner submits that S.A.(MD).No. 196 of 2014 was disposed of by judgment dated 23.12.2022. In terms thereof, he submits that the Court recognized the 4/5th share of the plaintiffs and the 1/5th share of Arumugam, the grandfather of the fifth respondent herein. Therefore, he submits that the fifth respondent herein is not entitled to a joint patta in respect of the relevant property.



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4. Learned Additional Government Pleader submits that the matter may be disposed of by directing the jurisdictional Tahsildar to grant patta in accordance with judgment in the second appeal.

5. On perusal of the judgment in the second appeal, particularly paragraph 12.2 and 13 thereof, it is evident that the Court recognized the 4/5th share of the plaintiffs therein. The Court also recognized that Arumugam is entitled to a 1/5th share on the basis of exhibits A4 and A5. Since the title dispute between the petitioner, on the one hand, and the father and grandfather of the fifth respondent, on the other, was decided by the judgment in the second appeal, this writ petition is liable to be disposed of by directing the Tahsildar to act in accordance with the judgment in the second appeal.

6. For reasons set out above, W.P.(MD).No.6034 of 2016 is disposed of by directing the third respondent to mutate the patta in accordance with the judgment in S.A.(MD).No.196 of 2014. If there is any



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subsequent transfer from the grandfather of the fifth respondent to the fifth respondent herein, such conveyance may be taken into account by the Tahsildar. The above exercise shall be concluded within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected W.M.P.(MD).No.5342 of 2016 is closed.

10.04.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

sbm

To

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