



W.P(MD)No.30716 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30716 of 2023

Banumathi

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to sub divide the petitioner's land measuring an extent of 64 cents situated in S.No.10/1A, Andaman Village, Madurai East Taluk, Othakadai Subregistrar, Madurai District and to issue separate patta infavour of the petitioner by considering the petitioner's online application in Can No.133241125870994 and Application No. 2023/0105/24/563316 dated 22.11.2023.



W.P(MD)No.30716 of 2023

For Petitioner : M/s.R.Jenifar Bibin

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard both sides.

2.The petitioner had purchased the petition mentioned property from one Muthulakshmi. The property originally belonged to one Maniyappa Konar. He had two daughters, namely, Rakayee and Muthulakshmi. The petitioner wants issuance of patta in her name.

3.The learned Government Advocate rightly points out that civil suit is pending between Muthulakshmi and Rakayee in O.S.No.375 of 2021 on the file of Sub Court, Melur. Therefore, it is not possible to issue separate patta in favour of the petitioner or even subdivision the property unless there is consensus among the legal heirs of Maniyappa Konar or the suit itself is adjudicated. But then, the petitioner is entitled to step into the shoes of the vendor. Admittedly the petitioner's vendor's name figured in the patta. Therefore, the petitioner will be entitled to



W.P(MD)No.30716 of 2023

joint patta along with other legal heirs of Maniyappa Konar. Such joint patta shall be issued by the second respondent. This shall be done as expeditiously as possible.

4.This writ petition is allowed on these terms. There shall be no order as to costs.

21.12.2023

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

To

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North,
Madurai District.

Copy to:

The Sub Court,
Melur.



WEB COPY



W.P(MD)No.30716 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.30716 of 2023

21.12.2023