



W.P(MD)No.3620 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3620 of 2024

A.Subramani

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

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

3.The Tahsildar,
Kallikudi Taluk,
Madurai District.

4.The Surveyor,
Kallikudi Taluk,
Kallikudi,
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 3rd and 4th respondents to consider the petitioner's representation dated 25.08.2023 and to issue a separate patta in Survey No.145/2A for the petitioner land property of 61 cents at Chennampatty Village, Kallikudi Taluk and also directed the



W.P(MD)No.3620 of 2024

4th respondent for the issuance of separate patta to the petitioner for the said lands as framed by this Court.

For Petitioner : Mr.A.Gandiappan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner seeks issuance of separate patta in his name. The learned counsel for the petitioner points out that Patta No.1235 issued by the Tahsildar, Thirumangalam was in the joint names of Nammalvar and Renganayagi. Renganayagi sold the petition mentioned property in favour one Dhanapandian vide document dated 19.07.2018. It is a registered document. The said Dhanapandian subsequently sold the property in favour of the petitioner vide document dated 24.08.2018. Subsequently, patta was also mutated in favour of the petitioner. Patta No.1679 reflects the names of Nammalvar and Subramani. The petitioner wants separate patta. Request to this effect was made. Since it was not considered, the present writ petition came to be filed.



W.P(MD)No.3620 of 2024

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.I am not in a position to grant this relief at this stage. As rightly pointed out by the learned Special Government Pleader, when the patta is in joint, only if there is consensus among the pattadars, separate patta can be issued. Otherwise, the applicant has to necessarily seek partition decree from the jurisdictional Civil Court.

5.In this case, it is stated that one of the pattadars has taken a stand that the property belonged to a temple trust and that the Civil Court is seized of the matter in O.S.No.924 of 2017 on the file of Sub Court, Thirumangalam.

6.In these circumstances, the petitioner has to achieve two things. He must get himself impleaded in O.S.No.924 of 2017 on the file of Sub Court, Thirumangalam and the suit must be dismissed as regards the petition mentioned property in favour of the petitioner herein. The learned counsel for the petitioner points out that Nammalvar filed I.A.No.424 of 2022 for impleading the petitioner and others and that it was dismissed on 05.12.2022.



W.P(MD)No.3620 of 2024

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7.Be that as it may, I permit the petitioner to file an interlocutory application in the said suit for getting himself impleaded. I am more than satisfied that the outcome of the suit will have bearing on the petitioner's rights. If the petitioner files any such I.A., it shall be allowed by the learned trial Judge. Even that may not be sufficient. The petitioner must have a decree in his name in respect of the petition mentioned property. It is for the petitioner to workout his rights in the manner known to law. The revenue authority will act as per the decree that may be passed in favour of the petitioner. Till then, the question of issuing separate patta may not arise.

8.With this liberty to the petitioner to workout his rights before the jurisdictional Civil Court and with the aforesaid direction to allow the impleading petition, if filed by the petitioner herein, this writ petition is disposed of. No costs.

19.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.3620 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.3620 of 2024

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