



W.P.(MD) No.22375 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22375 of 2024
and
W.M.P(MD)No.18948 of 2024

M.Krishnasamy

.. Petitioner

Vs.

1.The Tahsildar,
Dindigul West Taluk,
Dindigul West Taluk Office,
Taluk Office Road,
Dindigul District.

2.R.Kanagaraj

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the 1st respondent mutation of the revenue records on the basis of Preliminary Decree passed in O.S.No.339 of 2011 dated 23.08.2024 on the file of the Principal Sub-Judge, Dindigul and the Revenue patta bearing Patta No. 766 comprised in S.Nos.1317, 1318 and 1319 for an extent of 2 acres 58



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cents out of total extent of 10.32 acres Puja Lands of Agaram Village, Rengappanur Post, Dindigul West Taluk, Dindigul District, in favour of the 2nd respondent on the basis of the petitioner's representation dated 24.08.2024.

For Petitioner :Mr.V.Baskaran
For R1 :Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus forbearing the first respondent to mutate the revenue records on the basis of the Preliminary Decree passed in O.S.No.339 of 2011 dated 23.08.2024 on the file of the Principal Sub-Judge, Dindigul and the Revenue patta bearing Patta No. 766 comprised in S.Nos.1317, 1318 and 1319 for an extent of 2 acres 58 cents out of total extent of 10.32 acres Puja Lands of Agaram Village, Rengappanur Post, Dindigul West Taluk, Dindigul District, in favour of the second respondent, on the basis of the petitioner's representation dated 24.08.2024.



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2.A perusal of the records filed along with this writ petition, it appears that the second respondent has filed a suit in O.S.No.339 of 2011 against the petitioner and his brother for partition of his $\frac{1}{4}^{\text{th}}$ share in the properties, which are subject matter of this writ petition. The said suit has been decreed and an appeal has been filed against the said preliminary decree. This writ petition has been moved on an apprehension that the second respondent is going to sell the property to the third party. The second respondent himself has claimed only $\frac{1}{4}^{\text{th}}$ undivided share and if any alienation has taken place, it would be only with reference to the undivided $\frac{1}{4}^{\text{th}}$ share. The relief therefore cannot be granted. That apart, mutation of patta cannot take place, unless and until the share of each person is defined. The petitioner is claiming exclusive right to the property, which he has to establish the same in the first appeal.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent.



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4.Considering the fact that the suit has been decreed in respect of an undivided share, a Mandamus is issued to the first respondent not to mutate the revenue records of both the petitioner as well as the second respondent, until they establish their right to a specific share.

5.With the above observation, this Writ Petition stands disposed of.

No costs. Consequently, connected MP is closed.

23.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

1.The Tahsildar,
Dindigul West Taluk,
Dindigul West Taluk Office,
Taluk Office Road,
Dindigul District.



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P.T.ASHA, J.
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