



W.P.(MD) No.17214 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.17214 of 2016

O.Sethuraman

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Madurai West Taluk,
Madurai.

5.S.Selvaran

6.Mohan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 4th respondent in



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Na.Ka.No.8299/15/B, dated 23.06.2016, quash the same and direct the 4th respondent to issue patta to the petitioner and other legal heirs of Meenakshi Ammal in respect of the landed property measuring 73 cents in S.No.132/9 of Virattipathu, Kochadai Village, Madurai South taluk, Madurai district within the time stipulated by this Court.

For Petitioner : Mr.R.Subramanian

For R1 – R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition is filed to quash the order, dated 23.06.2016 passed by the 4th respondent and to direct the 4th respondent to issue patta to the petitioner and other legal heirs of Meenakshi Ammal in respect of the landed property measuring 73 cents in S.No.132/9 of Virattipathu, Kochadai Village, Madurai South taluk, Madurai district

2. The grievance of the petitioner is that before the patta had been issued in favour of the 6th respondent, no notice had been issued to him and there was a suit pending between the parties regarding title to the property. The petitioner's case is that the suit for partition has been



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decided in favour of the petitioner and therefore, he is entitled to a joint patta. Suppressing this fact, the 6th respondent has moved the revenue authorities for grant of patta in his name on the basis of the settlement deed said to have been executed by the petitioner's mother Meenakshi Ammal in his favour. The claim of the 6th respondent under the settlement deed has been rejected by the trial Court and the matter is pending appeal. The 6th respondent has thereafter filed a writ petition for a direction to the revenue authorities to grant them a patta without making the petitioner as a party to the said proceedings.

3. The transfer of patta in favour of the 6th respondent pending the suit is an aberration considering that fact that Act clearly specifies that where there is an issue with title, the same has to be sort it out by the Civil Court. When the suit is pending and after a decree in favour of the petitioner and others, patta has been transferred in the name of the 6th respondent only on the basis of an appeal having been filed by him challenging the judgment and decree in O.S.No.589 of 1996. The basis on which the order has been passed by the 4th respondent is erroneous.



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Further when an appeal is pending, the 4th respondent ought to have dismissed the request and directed the 6th respondent to await the result in the appeal and thereafter, approach this Court. However, considering the fact that the patta which originally stood in the name of Meenakshi Ammal has been transferred in the name of the 6th respondent, the respondents are directed to restore the *status quo ante* with reference to the patta and party shall work out their remedies once an appeal is disposed of. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition stands disposed of.

No costs.

20.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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