



W.P.(MD)No.1825 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.1825 of 2025

Chinnamaruthu

... Petitioner

vs.

1.The Tahsildar,
Vadipatti, Madurai District.

2.The Village Administrative Officer,
Mullipallam, Vadipatti, Madurai District.

3.C.Periyamaruthu
4.Thenmozhi
5.C.Petchiammal
6.R.Devi
7.Lokesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 not to issue the patta in respect of S.Nos.440/5, 440/6, 440/7 and 440/8 situated at Mullipallam Village, Vadipatti Taluk, Madurai District in favour of the 3rd and 4th respondents, further 6th and 7th respondents, while the pendency of the suit in O.S.No.970 of 2021 on the file of the learned Subordinate Judge-II, Madurai District and consider the petitioner's representation dated 16.12.2024.

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For Petitioner :Mr.Kannan Gurusami
For R1 and R2 :Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus to forbear the respondents 1 and 2 from issuing any patta in favour of respondents 3, 4, 6 and 7 pending O.S.No.970 of 2021 on the file of the Sub Judge-II, Madurai District.

2.The learned Counsel for the petitioner would submit that the third respondent, who is the petitioner's brother, has already filed a suit for partition in O.S.No.970 of 2021 and the same is pending. It appears that the third respondent has settled the property in favour of his wife, the fourth respondent and the apprehension of the Writ Petitioner is that based on the said registered settlement deed, the respondents 3 and 4 are attempting to get patta in respect of the joint property of the family.



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3.Mr.B.Saravanan, learned Additional Government Pleader would submit that there are no instructions with regard to any application having been made for issuance of patta.

4.I have heard Mr.Kannan Gurusami, learned Counsel for the petitioner and Mr.B.Saravann, learned Additional Government Pleader for the respondents 1 and 2.

5.When the third respondent himself has filed the suit for partition in O.S.No.970 of 2021 and it is also now brought to the notice of the revenue authorities by way of typed set of papers in the present Writ Petition and also in view of the fact that there appears to be no request for issuance of patta by the respondents 3 and 4, no further orders are required in the present Writ Petition.

5.Further, on going through the plaint, it is clear that the third respondent admits the relationship between the parties and that the property is the joint family property. Therefore, in the event of any



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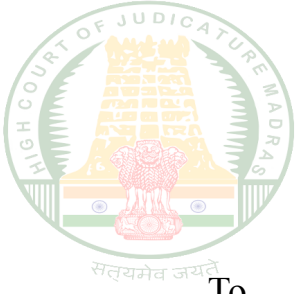
settlement deed being executed by the third respondent in favour of his wife, the 4th respondent, until the partition suit is finally disposed of by passing final decree, none of the parties can claim separate patta in their names. Therefore, the apprehension of the petitioner that the respondents 3 and 4 are attempting to get patta is baseless. In any event, due to the prevailing scheme for mutation of patta based on the registration of partition deed within a period of 30 days, it would be just and proper that the first respondent put the petitioner on notice in the event of the 3rd or 4th respondents making any application for issuance of patta and after hearing the objections of the Writ Petitioner, the first responder shall pass final orders.

6.In fine, the Writ Petition is dismissed. No costs.

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

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- 2.The Village Administrative Officer,
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P.B.BALAJI, J.

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