



W.P.(MD)No.6757 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No. 6757 of 2025

P. Mathiyalagan

... Petitioner

Vs.

1. The District collector
Thanjavur District.

2. The Revenue Divisional Officer
Office of the Revenue Divisional Office,
Pattukkottai,
Thanjavur District.

3. The Tahsildar
Peravoorani Taluk,
Peravoorani,
Thanjavur District.

4. The Village Administrative Officer
Kalagam I Bit Village,
Peravoorani Taluk,
Peravoorani,
Thanjavur District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to issue a joint patta in petitioner's name and his brother's name Nadimuthu in respect of the lands bearing S.No.538/10 which was sub divided as



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538/10C1 and 538/10C2 to an total extent of 34 cents in which their part of 17 cents in the centre based on the petitioner's representation dated 19.02.2025 within the time as fix by this Court.

For Petitioner : Mr.K.Suresh
For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

I have heard Mr.K.Suresh, the learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents.

2. The writ petitioner has filed this writ petition, seeking a direction to issue joint patta in the name of the petitioner and his brother Nadimuthu, in respect of lands bearing survey No. 538/10 subdivided as 538/10 C1 and 538/10 C2 to an extent of 34 cents, where 17 cents situated in the centre of the said 34 cents has been allotted to the petitioner by virtue of decree in O.S.No.574 of 1986. The petitioner has sent a representation to the third respondent for issuance of patta on 19.02.2025.



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3. When the matter is taken up for admission, the learned Government Advocate, Mr.C.Satheesh would rely on the plaint filed by one Rangasamy, S/o. Vaidilingam in O.S. No.326 of 2004, where the writ petitioner has been arrayed as the first defendant, seeking decree in respect of 11.25 cents comprised in survey No.538/10, which has been subdivided as 531/10C1 and 531/10C2. Even in the suit, I find that the said plaintiff claims that his father viz., Vaithiyalingam has purchased the property from one Adaikalam in and by registered sale deed. The said Adaikalam was a party to the earlier suit in O.S.No.574 of 1986, where final decree has been passed and pursuant to the execution proceedings, the writ petitioner has also taken possession of 17 cents being entitled to the petitioner under the decree. Further, even according to the Tahshildar, the survey number has been subdivided as survey No. 538 /10B, which is to be issued in the name of the petitioner and his brother Nadimuthu in respect of 0.03.5 cents. Therefore, the pendency of suit in O.S.No.326 of 2024 by a person claiming under the defendant in O.S.No.574 of 1986 cannot stand in the way of the petitioner being issued patta.



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4. In view of the above, this writ petition is disposed of, directing the third respondent to issue patta to the petitioner in respect of 538 /10B to an extent of 0.03.5 Hectres. The said patta shall be issued within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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Order made in
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