



W.P.(MD)No.8310 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.8310 of 2025

O.S.Subramanian

... Petitioner

Vs.

1.The Tahsildar,
Sivagangai District.

2.The Zonal Deputy Tahsildar,
Pillaivayal Village Group,
Sivagangai District.

3.The Deputy Director,
Town & Country Planning Department,
Sivagangai.

4.Karthikeyan

5.Raja Amuthan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the Respondents 1 to 3 from considering any application by the Respondents 4 and 5 for mutation in revenue records or for approval of any layout in respect of the property bearing S.No. 135/5 measuring about 2.20 acres situated within Pillaivayal Village, Paiyur Pillaivayal group, Sivagangai Taluk and District without issuing notice to the



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Petitioner and affording an opportunity to put forward the Petitioner's objections.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 – R3 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner seeks issuance of writ of mandamus to forbear the respondents from considering any application filed by the respondents 4 and 5 for mutation of revenue records or for approval of any lay out in respect of the property comprised in Survey No.135/5 measuring 2.20 acres at Pillaivayal Village, Paiyur Pillaivayal group, Sivagangai Taluk and District, without issuing notice to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3.

3. The learned counsel for the petitioner would submit that the petitioner along with his sister-in-law has already filed a suit in O.S.No.40 of 2017 for



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partition and separate possession. The said suit is pending. The learned counsel

for the petitioner would submit that the defendants in the said suit, namely his brothers-in-law have admitted the share of his wife and therefore, the petitioner's right in the property is established. However, he would contend that the brothers-in-law have already alienated a portion of the property to defeat the legitimate right of the petitioner. He would therefore submit that objections have been given to the respondents not to entertain any application for mutation of records or layout approval.

4. The learned Special Government Pleader, on instructions, would submit that subsequent to the purchase made by the respondents 4 and 5, patta has already been mutated in their favour. Therefore, nothing survives insofar as the first limb of the prayer in the writ petition. The learned counsel for the petitioner would however contend that based on the purchase, the respondents 4 and 5 who are dealing in real estate are likely to approach the 3rd respondent for permission to approve lay out and if that is done, third party rights would also be involved and it would lead to unnecessary multiplicity of proceedings.



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5. However, considering the fact that the petitioner also objects for any lay out approval to be sanctioned by the 3rd respondent, it would suffice to direct the 3rd respondent to hear the objections of the petitioner based on his representation, 08.03.2025, if and when any application for layout approval is presented to the 3rd respondent by the respondents 4 and 5, the 3rd respondent shall decide any application for layout, after considering the objections of the petitioner and pass final orders thereafter.

6. With the above direction, this Writ Petition stands disposed of. No costs.

26.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1.The Tahsildar,
Sivagangai District.



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2.The Zonal Deputy Tahsildar,
Pillaiyayal Village Group,
Sivagangai District.

3.The Deputy Director,
Town & Country Planning Department,
Sivagangai.



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P.B.BALAJI, J.

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