



W.P.(MD)No.9786 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2025

CORAM

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

W.P.(MD)No.9786 of 2025

V.Balakrishnan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildhar,
Peraiyur Taluk, Madurai District.

3.V.Santhanam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to issue a separate patta to the petitioner regarding the northern side of the survey numbers 197/5A and 197/5E, Mallapuram Village, Peraiyur Circle, Madurai District by considering the representation of the petitioner, dated 18.03.2023, within a time stipulated by this Court.

For Petitioner :Mr.K.P.Sankarakumarakurubaran
For R1 and R2 :Mr.M.Lingadurai
Special Government Pleader



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ORDER

Heard Mr.K.P.Sankarakumarakurubaran, learned Counsel appearing on behalf of the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing on behalf of the respondents 1 and 2.

2.The petitioner seeks for issuance of a Writ of Mandamus to direct the second respondent to issue separate patta to the petitioner in respect of northern portion of S.Nos.197/5A and 197/5E, Mallappuram Village, Peraiyur Circle, Madurai District. The petitioner has given a representation on 18.03.2023 in this regard.

3.The grievance of the petitioner is that there has been an oral partition several decades ago and the said oral partition has also been acted upon by the respective co-owners, who have also subsequently sold their respective holdings, as evidenced by the registered documents, that have been enclosed along the typed said of papers.



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4.However, as rightly pointed out by Mr.M.Lingadurai, learned Special Government Pleader, the petitioner has not substantiated his separate and independent claim in respect of northern portion of S.Nos. 197/5A and 197/5E, Mallappuram Village, Peraiyur Circle, Madurai District.

5.Be that as it may, the petitioner has given a representation on 18.03.2023 and patta had been jointly mutated in the names of the petitioner and the third respondent.

6.In view of the above, the second respondent shall conduct an enquiry after hearing the petitioner and the third respondent and on enquiry, if the second respondent comes to a conclusion that the 3rd respondent has no right in respect of the northern side of S.Nos.197/5A and 197/5E, then it shall be open to the second respondent to process the petitioner's request for separate patta. However, in the event of the 3rd respondent's objections are found to be relating to issues towards title, then the second respondent shall relegate the parties to the competent



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civil Court. The second respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of accordingly. No costs.

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

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P.B.BALAJI, J.

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