



W.P.(MD)No.10957 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10957 of 2023

Kulandhaivel

... Petitioner

/Vs./

1. The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai.

2. The Tahsildar,
Ilaiyangudi Taluk,
Sivagangai District.

3. Nagaraj

4. P. Balakrishnan

5. G. Balakrishnan

6. Malaiyarasu

... Respondents

*(R3 to R6 are impleaded vide Court order
dated 02.08.2023 in WMP(MD).12142/2023 in
W.P.(MD).No.10957/2023 by BPJ)*

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the second respondent to issue separate patta in the name of the petitioner by sub-division of the properties comprised in S.Nos.103/3, 157/4, 157/2, 73/3, 130/4, 117/3 and 130/5 which are covered in the joint patta bearing Patta Nos.1179 & 1180



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situated at Melayur Village, Ilaiyangudi Taluk, Sivagangai District as per the decree passed by the learned District Munsif Court, Ilaiyangudi in O.S.No.54 of 2000 dated 19.03.2001 by considering the representation of the petitioner dated 01.06.2022 and reminder dated 19.04.2023.

For Petitioner	: A.Mohan
For Respondent Nos.1 & 2	: Mr.C.Satheesh Government Advocate
For Respondent Nos.3 to 5	: Mr.G.Aravinthan
For Respondent No.6	: Mr.M.S.Jeyakarthik

ORDER

This Writ Petition has been filed seeking limited relief of Writ of Mandamus, to direct the 2nd respondent to issue a separate patta in the name of the petitioner in respect of S.Nos.103/3, 157/4, 157/2, 73/3, 130/4, 117/3 and 130/5 which are covered in the joint patta bearing Patta Nos.1179 & 1180 situated at Melayur Village, Ilaiyangudi Taluk, Sivagangai District.

2. Considering the limited scope of the prayer sought for in this writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.



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3. The claim for separate patta by the petitioner is based on the judgement and decree in the suit for partition in O.S.54 of 2000 dated 19.03.2001. Pursuant to the said decree in favour of the petitioner, he has made a representation on 07.06.2022, seeking issuance of separate patta. It is brought to the notice of this Court that the joint patta was issued based on the decree in the partition suit. However, the petitioner has made a representation for issuance of separate patta by application dated 07.06.2022, and followed it up with a reminder on 19.04.2023.

4. In view of the objection that there has been no online application for the sub division and patta transfer, the petitioner has also made an online application on 22.01.2023, and in support of the same, the application copy is also filed before this Court by way of additional typed set of appears.

5. The learned Counsel for the Respondent Nos.3 to 5 submits that they are also claiming for separate patta based on the judgment and decree in the partition suit. Therefore, the respondents have no objection for issuance of separate patta in favour of the petitioner.



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6. The learned Counsel for the sixth respondent would submit that the second respondent may consider the objections of the sixth respondent, if any, before passing any orders in the petitioner's application.

7. In view of the aforesaid narration and circumstances, the writ petition is disposed of with a direction to the second respondent to pass orders on the petitioner's online application dated 22.01.2024, after giving opportunity by way of personal hearing to the petitioner as well as the sixth respondent herein and any application may have been made by respondent Nos.3 to 6 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above said observations, this writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
gvn

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P.B. BALAJI, J.
gvn

Order made in
W.P.(MD)No.10957 of 2023

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