

W.P.(MD)No.12846 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12846 of 2025

J.Nandhakumar

: Petitioner

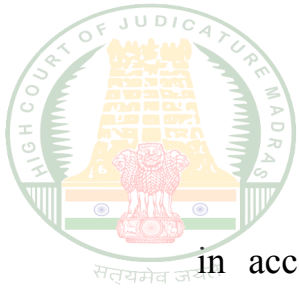
Vs.

1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Office of the Tahsildar,
Madurai East Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to sub-divide survey No.121/2 at Mangulam Bit-2 village, Madurai East Taluk, Madurai District and issue separate patta in the petitioner's name in respect of 25.2 cents that he purchased under a registered sale deed in Documents No.997 of 2024 registered on the file of Tamaraipatti Sub-Registrar office



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in accordance with law within the time stipulated by this Court by

considering the petitioner's representation dated 10.04.2025.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.S.Malaikani, learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for respondent Nos.1 and 2.

2. The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to effect subdivision and issue separate patta. The petitioner claims under a registered sale deed in Document No.997 of 2024, on the file of the Sub-Registrar, Tamaraipatti.

3. The learned counsel for the petitioner would submit that it is only based on the registered documents the petitioner's sought for subdivision and separate patta in respect of a property purchased with four different boundaries as indicated in the schedule to the sale deed dated 21.06.2024.



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4. The learned Special Government Pleader appearing for the respondents would submit that even in the typed set of papers, the petitioner enclosed suit said to have been filed by one Selvakumar @ Seeman before the Sub Court, Melur, where the petitioner's sale deed is sought to be set aside.

5. It is seen that the plaintiff in the said suit is none other than the son of one of the vendors of the writ petitioner. The petitioner, who is the son of the vendor, has admitted the execution of the sale deed by mere fact that he seeks to set aside the sale deed by way of declaratory relief. There is no interim order granted in the suit, as well. Therefore, as long as the plaintiff in the said suit succeeds in getting a declaratory decree in his favour. The writ petitioner cannot be prevented from enjoying the fruits under the registered sale deed, which has not been set aside. Therefore, the petitioner is certainly entitled to subdivision and issuance of separate patta which shall always be subject to the result of the suit filed by the son of the vendor of the petitioner. Therefore, the second respondent is directed to pass orders on the petitioner's representation with regard to subdivision



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and issuance of separate patta, on merits and in accordance with law after hearing the interested parties, if any. The said exercise shall be carried out within a period of sixteen weeks from the date of receipt of a copy of this order, after giving notice to the other co-owners, who are interested in the said survey numbers.

6. With the above directions, the writ petition is disposed of. No costs.

29.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
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P.B.BALAJI., J.

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