



W.P.(MD)No.15025 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.15025 of 2025

Kambakudiraja

... Petitioner

Vs.

1. The Tahsildar,
Melur Taluk,
Madurai District.

2. K.Karunanithi
(R2 is impleaded vide Court order dated
30.07.2025 in W.M.P(MD)No.12409 of 2025
in W.P(MD)No.15025 of 2025 by SSJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the respondent in Na.Ka.No. 2024/0103/24/364612 dated 28.12.2024 and quash the same and consequently directing the respondents to issue Patta in the name of the respondent.



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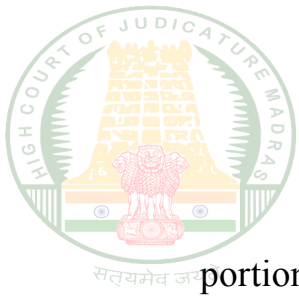
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For Petitioner : Mr.Arun Kumar
For R1 : Mr.A.Baskaran
Additional Government Pleader
For R2 : Mr.C.K.M.Appaji

ORDER

The writ petition has been filed challenging the order passed by the respondent dismissing the application filed by the petitioner seeking issuance of patta in respect of the property situated in S.No.535/10A at Vellalur Village, Melur Taluk, Madurai District, mainly on the ground that there was a title dispute between the rival claimant.

2. The learned counsel appearing for the petitioner would submit that the petitioner's father Rajendran and his brother namely Karunanithi purchased 1 acre 68 cents of land in S.No.535/10A. Later, there was an oral partition between the petitioner's father and his brother. In the said oral partition 1 acre 40 cents was allotted to the petitioner's father Rajendran and the remaining 28 cents was allotted to his brother Karunanithi. The said oral partition was acted upon. Both the petitioner's father Rajendran and his brother Karunanithi mortgaged the respective



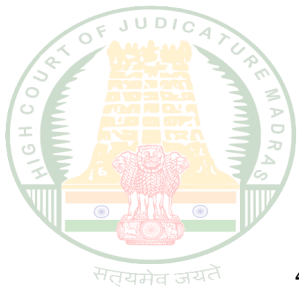
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portion allotted to him under a registered mortgage deed dated 09.03.2024.

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In such circumstances, the petitioner submitted an application before the 1st respondent, seeking issuance of Patta in respect of 1 acre 40 cents allotted to him in oral partition. The same was rejected by the 1st respondent on the ground that there was a dispute with regard to the title. He would further submit that the 1st respondent passed impugned order without hearing the petitioner.

3. The learned counsel appearing for the 2nd respondent would submit that in the oral partition, an extent of 68 cents was allotted to the 2nd respondent. He also filed a suit for declaration and injunction in O.S.No.42 of 2025 on the file of Sub Court, Melur and the same is pending and therefore, there is a serious dispute with regard to the fact whether the 2nd respondent was allotted with 28 cents as claimed by the petitioner or 68 cents as claimed by him. The dispute is pending adjudication before the Civil Court in O.S.No.42 of 2025 on the file of Sub Court, Melur. In such circumstances, the 1st respondent was justified in rejecting the application submitted by the petitioner on the ground that there was a title dispute.



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4. The learned counsel appearing for the petitioner vehemently contend that the impugned order was passed without notice to him and therefore, it is liable to be set aside. Normally in case of violation of principles of natural justice, this Court would have set aside the matter and remanded the matter back to the file of the concerned authority.

5. In the case on hand, in the light of the facts narrated above, there is a serious dispute with regard to the title and the same is pending adjudication before the Civil Court. In such circumstances, no purpose would be served by setting aside the impugned order and sending the matter back to the file of the respondent as he is not competent to take a decision on the title dispute as held by the Hon'ble Division Bench of this Court in *Viswas Foortwear Company Limited vs. The District Collector, Kanchipuram*, reported in 2011 (5) CTC 94.

6. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. However, liberty is granted to the parties to workout their remedy before the Civil Court and they are entitled to move the revenue authorities based on the findings rendered by the Civil Court.



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7. The writ petition stands dismissed with the above observations.

No costs.

30.07.2025
(3/3)

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

The Tahsildar,
Melur Taluk,
Madurai District.



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S.SOUNTHAR, J.

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