



W.P.(MD) No.15230 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.15230 of 2025

N.Shanmugavel

... Petitioner

Vs

1.The Thasildar,
Madurai West,
Madurai-Theni Main Road,
Viratipatthu,
Madurai.

2.S.Paramasivam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to consider the application of the petitioner dated 07.04.2025 and issue Patta to the property to an extent of 8.0 ares of lands in Survey No. 90/7(T.S.No.48) Sammatipuram, Ponmeni Village, Madurai District.

For Petitioner

: Mr.D.Senthil

For R1

: Mr.A.Baskaran

Additional Government Pleader



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ORDER

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The petitioner herein seeks a direction to the first respondent to consider his application, dated 07.04.2025, and to issue patta to the property with an extent of 8.0 ares in S.No.90/7 (T.S.No.48) situated at Sammatipuram, Ponmeni Village, Madurai District.

2.Heard the arguments of the learned counsel for the petitioner, Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for the first respondent. In view of the order proposed to be passed in this Writ Petition, which would not cause any prejudice to the second respondent, notice to him is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.It is seen from the affidavit filed in support of the writ petition and the representation submitted by the petitioner, dated 07.04.2025, before the first respondent that the petitioner claims right over the subject property under registered partition deed, dated 25.08.1975, sale deed, pursuant to the decree passed in O.S.No.1221 of 2004 and as legal heir of his deceased wife.



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4. According to the petitioner, his brother, Muthuvel, who sold his share in the property to the petitioner's wife and son, fraudulently sold the subject property in favour of one Sankaramoorthy. The second respondent attempted to interfere with the petitioner's possession by claiming right under some registered documents executed by alienees of his brother by suppressing earlier decrees. The petitioner and his son filed a civil suit in O.S.No.129 of 2024 on the file of the Principal District Munsif Court, Madurai, seeking cancellation of the sale deed executed in favour of Paramasivam and for injunction and the said suit is pending. In the meantime, the petitioner submitted an application before the first respondent on 07.04.2025, seeking cancellation of patta transfer order issued in favour of Paramasivam and issuance of patta in the name of the petitioner and the same has not been considered till date. Hence, the petitioner has come before this Court.

5. Admittedly, the petitioner has already filed a suit seeking cancellation of sale deed executed in favour of Paramasivam/the second respondent herein. If the said suit is decreed, automatically the authorities are bound to cancel the patta issued in the name of Paramasivam. In such circumstances, this Court is not inclined to



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entertain the Writ Petition pending disposal of the Original Suit filed by the petitioner in O.S.No.129 of 2024.

6.Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to workout his remedy before the civil Court in the pending suit. No costs.

05.06.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

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To

The Thasildar,
Madurai West,
Madurai-Theni Main Road,
Viratipatthu,
Madurai.



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S.SOUNTHAR, J.

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