



W.P.(MD)No.15680 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.15680 of 2023

A.Palnila

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai East Taluk, Madurai District.

3. Mathiyalagan

4. Chandrasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to cancel the patta bearing nos 904, 905 and 1128 in survey nos 16/6A, 10/26 and 22/1B3A1 respectively measuring to an extent of 20 cents situated at Kodikulam village, Madurai East Taluk, Madurai District by considering the petitioner's representation dated 02.11.2015.



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For Petitioner : Mr.A.Rajaram

For Respondents : Mrs.K.Malathi (R1,R2)
Additional Government Pleader

Mr.M.Kannan (R3)

No Appearance - R4

ORDER

The writ petition has been filed seeks for issuance of a writ of mandamus to direct the first respondent to cancel patta issued to the 3rd and 4th respondents, based on the petitioner's representation, dated 02.11.2015.

2.I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is brought to my notice that the petitioner has filed a suit for partition in O.S.No.19 of 2016 along with her sister before the V Additional District and Sessions Judge, Madurai. According to the parties, the said suit is still pending and in the said suit, the petitioner along with her sister as plaintiffs are claiming of decree for partition in



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respect of the properties belonging to their father.

4.Per contra, it is the case of the private respondent that they have purchased the subject property from the father of the writ petitioner.

5.In all fairness, the petitioner ought to have disclosed the pendency of suit in the writ affidavit. Be that as it may, unless the petitioner is found to be entitled to any share in the suit property, pursuant to the preliminary decree to be passed in the pending suit in O.S.No.19 of 2016 alone, the petitioner can be entitled to seek for issuance of patta, by including her name, after cancelling the patta issued to the respondents 3 and 4.

6.In view of the above, writ of mandamus cannot be issued to the petitioner. However, liberty is granted to the petitioner to approach the authorities for necessary action as and when the petitioner is able to establish her right by getting a decree in O.S.No.19 of 2016 before the V Additional District and Sessions Judge, Madurai.



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7. Accordingly, this writ petition stands disposed of. No costs.

13.02.2025

Index : Yes / No
NCC : Yes / No
PNM

TO:-

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Madurai East Taluk, Madurai District.



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P.B. BALAJI, J.

PNM

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