



W.P.(MD) No.17027 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.17027 of 2025

and

W.M.P(MD) No.12929 of 2025

Devaki

Vs.

... Petitioner

1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

2.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

3.Premalatha

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.331/2022/A4 dated 10.02.2025 and quash the same as illegal, consequently directing the respondents 1 and 2 to restore the patta in respect of the properties in Survey No.65/8B, 65/9 and 65/10 situated at Athikottai Village, Thanjavur District, to its original position.



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For Petitioner : Mr.T.Leninkumar

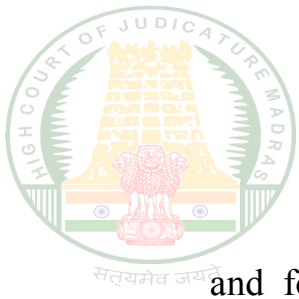
For R1 and R2 : Mr.M.Gangatharan
Government Advocate

ORDER

This writ petition is filed challenging the order passed by the first respondent informing the petitioner that his request for cancellation of patta issued in the name of one Gunasekaran will be considered after disposal of the pending suit.

2.Heard the arguments of Mr.T.Leninkumar, learned counsel appearing for the petitioner and Mr.M.Gangatharan learned Government Advocate appearing for the respondents. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that the subject property situated in Survey Nos.65/8, 65/9 and 65/10 originally belonged to the petitioner's father, O.M.Subramania Velalar. The petitioner's father has three sons



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and four daughters. It is alleged by the petitioner that there was a partition in the family between the petitioner's father and his brothers on 04.07.1986. Challenging the same, the petitioner filed a civil suit in O.S.No.38 of 2013 on the file of Additional District Court, Pattukottai seeking partition of her alleged 1/7th share. The said suit is still pending. In the meantime, one of the petitioner's brother, namely, Ganesan sold a portion of the subject property in favour of one Gunasekaran and patta was also mutated in the name of the purchaser. Hence, the petitioner submitted an application before the first respondent, seeking cancellation of the patta issued in the name of Guansekaran and restoration of the patta to its original position. The said representation was disposed by the impugned order informing the petitioner that her request will be considered, after disposal of the civil suit.

4.Admittedly, the petitioner filed a civil suit against her brothers claiming 1/7th share in the property. The above said Gunasekaran's vendor, Ganesan was also made a party to the civil suit. In these circumstances, the entitlement of the petitioner to claim a share in the subject property has to be decided by the Civil Court in the pending suit.



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In the said circumstances, the first respondent is justified in passing the impugned order informing the petitioner that her request for cancellation of patta issued in the name of Gunasekaran will be considered after disposal of the suit. Accordingly, I do not find any error in the impugned order and the Writ Petition stands dismissed. No costs.

24.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 2.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.



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S.SOUNTHAR,J

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