



W.P.(MD)No.20095 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.20095 of 2022

and

W.M.P(MD).Nos.14622 & 14624 of 2022

Iyyappan

... Petitioner

Vs.

1. The Thasildar
Thirumayam Taluk Office, Thirumayam,
Pudukkottai District.

2. Ramakrishnan

3. The Joint Sub Registrar I
Pudukkottai, Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the records of impugned Patta No.396 issued by the 1st respondent for the Punja land of an extent of 84.89 cents comprised in Survey No.150/31A1 situated at Mallangudi Village, Thirumayam Taluk, Pudukkottai District and quash the same as illegal, arbitrary and in violation of principles of natural justice and consequently direct the 1st respondent to restore Patta No.344 of Mallangudi Village, Pudukkottai District.



W.P.(MD)No.20095 of 2022

WEB COPY

For Petitioner : Mr.A.Balaji
For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1&3
: Mr.S.Vikram for R2

ORDER

The writ petitioner has filed the present writ petition challenging the patta No.396 issued by the first respondent in respect of an extent of 84.89 cents, comprised at 50/31A1 situated at Mallangudi Village, Thirumayam Taluk, Pudukkottai District and to consequently restore patta No.344, in the joint names of the petitioner and the second respondent.

2. I have heard Mr.A.Balaji, the learned counsel appearing for the petitioner, Mrs.K.Malathi, learned Additional Government Pleader Advocate appearing for the respondents 1 and 3 and Mr.S.Vikram, learned counsel appearing for the second respondent.



W.P.(MD)No.20095 of 2022

WEB COPY

3. It is an admitted fact that the petitioner and the second respondent are own brothers, being the sons of P.Palanisamy. Based on a sale deed dated 25.06.2010, vide document No.3965/2010, the petitioner and the second respondent purchased the subject lands. After their purchase, patta No.344 was duly mutated in the joint names of the petitioner and the second respondent.

4. The grievance of the petitioner is that taking advantage of the petitioner being abroad, the second respondent sold 4.11 cent out of the total extent of 89 cents, to one Perumal,S/o.Adaikan, under a registered sale deed vide document No.337 of 2020 dated 24.01.2020 and successfully deleted the name of the petitioner from the patta and got separate patta in his name and the said separate patta has been issued is under challenge in this writ petition.

5. It is evident from the separate patta issued in favour of the second respondent in patta No.396, the entire extent has been mutated in the name of the second respondent, viz., Ramakrishnan. The said



W.P.(MD)No.20095 of 2022

WEB COPY

mutation has taken place on 10.08.2022, which is evidenced from the computerized patta, which is enclosed in typed set of papers. Under sale deed dated 25.06.2010, vide document No.3965 of 2010, the petitioner as well as the second respondent jointly purchased the entire extent of lands. There is no indication in the sale deed as to any larger benefit being conferred on the second respondent. In the absence of specific covenants in the sale deed, the property can only be presumed to have been purchased by the petitioner and the second respondent equally. Therefore, both the petitioner and the second respondent are equally entitled to the subject lands. The second respondent is not able to show as to how the second respondent become entitled to the said property. It could have been only by way of a release deed or settlement deed and in the absence of any alienation or encumbrance made by the second respondent cannot get the patta in respect of entire land mutated and a separate patta issued in the name of the second respondent.

6. Therefore, the impugned order has to necessarily be set aside as it is contrary to the purchase made jointly in the name of the petitioner and the second respondent. Hence, the impugned order passed by the first



W.P.(MD)No.20095 of 2022

WEB COPY

respondent is set aside, the first respondent shall issue patta in the joint name of the petitioner and the second respondent within a period of four weeks from the date of receipt of a copy of this order.

7. In fine, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

20.03.2025

To

1. The Thasildar
Thirumayam Taluk Office,
Thirumayam,
Pudukkottai District.

2. The Joint Sub Registrar I,
Pudukkottai,
Pudukkottai District



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W.P.(MD)No.20095 of 2022

P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.20095 of 2022
and
W.M.P.Nos.14622 & 14624 of 2022

Dated:
20.03.2025