



W.P.(MD)No.23220 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.23220 of 2023

Bharanikumar

.... Petitioner

/Vs./

1. The District Revenue Officer
Tiruchirappalli, Tiruchirappalli - 620 001.
2. The Revenue Divisional Officer
Tiruchirappalli, Tiruchirappalli - 620 001.
3. Tahsildar
Thiruverumbur Taluk,
Tiruchirappalli - 620 014.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue Patta in favour of the petitioner for the vacant land measuring 0.14.5 Ares (36 cents) in S.F.No.326/8 located in Valavanthankottai, Thiruverumbur Taluk, Tiruchirappalli District.

For Petitioner : Mr.K.N.Guru
For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

The petitioner seeks issuance of patta in his name in respect of S.F.No.326/8. The petitioner has succeeded in O.S.No.661 of 2010. The petitioner relies on the common judgment in O.S.No.661 of 2010, O.S.No.34 of 2013 and O.S.No.37 of 2013, dated 31.01.2010, where the rights of the writ petitioner have been upheld. Thereafter, the petitioner's father has settled the properties on the petitioner and based on the said documents, the petitioner has sought for issuance of patta by making a representation on 04.01.2023. The petitioner only seeks for direction to the respondents to issue Patta in favour of the petitioner for the vacant land measuring 0.14.5 Ares (36 cents) in S.F.No.326/8 located in Valavanthankottai, Thiruverumbur Taluk, Tiruchirappalli District. Admittedly, aggrieved by the decree in the three suits by way of a common judgment and decree, Chennaiyan and Kamatchi, who were parties to the civil suits, have preferred an appeal which is pending on the file of the District Court, Trichirappalli.



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2. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner would have to await the final decision in the pending appeal suit before seeking Patta.

3. I am unable to countenance the said submission. The suites were originally filed in the year 2010 and 2013 and after contest, the suit ended in favour of the petitioner's father only on 31.01.2010. Now, the appeal is said to have been preferred and at the instance of one Kamachi. As long as there is no interim order restraining the revenue authorities from issuing Patta to the petitioner, once the petitioner has succeeded in the original suits, that too, after contest, the petitioner cannot be made to wait endlessly until finality is reached in the litigation. The revenue authorities shall therefore issue patta to the petitioner and they are at liberty to include in the remarks column that patta is being issued subject to any final decision in the pending appeal suit. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.



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4. With the above direction, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

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To

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P.B. BALAJI, J.

am

Order made in
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Dated:
26.03.2025