



W.P.(MD)No.27335 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.27335 of 2024

Alagarsamy

... Petitioner

/Vs./

1. Tahsildar

Office of the Tahsildar,
Peraiyur Taluk, Madurai District.

2. S.R.Kesavaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue patta in the petitioner's name in respect of the petitioner's property to an extent of 0.36.5 ares in Survey No. 184/1 at Silaimalaipatti Village, Peraiyur Taluk, Madurai District, by considering petitioner's online application No. 2024/0103/24/352899 dated 16.10.2024.

For Petitioner : Mr.D.S.Haroon Rashed

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1

ORDER

The Writ Petition has been filed, seeking a Writ of Mandamus, to direct the first respondent to issue patta in the petitioner's name in respect of the land to an extent of 0.36.5 Ares in Survey No. 184/1 at



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Silaimalaipatti Village, Peraiyur Taluk, Madurai District.

2. The petitioner has made an online application on 16.10.2024 and since no order has been passed, he has filed the present writ petition.

3. Today, when the matter is taken up for hearing, he would produce the order copy in W.P.(MD)No.19490 of 2024 dated 22.08.2024 in respect of similarly placed purchaser from the same vendor of the petitioner and the said writ petition was also in respect of lands in the same village, however, an adjoining survey number 188/4. The second respondent in both these writ petitions is one and the same person, who claims under an agreement of sale, in respect of which a suit for specific performance has been filed in the year 2023. This Court directed that the application of the petitioner therein, for issuance of patta cannot be put on hold citing the pendency of the suit for specific performance and directed the petitioner's application in the said writ petition to be considered on merits, after affording an opportunity of personal hearing to both parties and complete the said exercise within a period of six (6) weeks.



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4. Mr.B.Saravanan, learned Additional Government Pleader appearing for the first respondent would submit that a similar order can be passed in the present writ petition, since the claim of the second respondent in the earlier Writ Petition was also the same, placing reliance on the suit for specific performance, based on an agreement of sale.

5. Considering the above, there can be no impediment for the petitioner's application for issuance of patta being considered. However, the first respondent shall afford an opportunity to the petitioner as well as the second respondent and after giving them a personal hearing, shall pass final orders on the petitioner's application dated 16.10.2024, within a period of eight (8) weeks from date of receipt of copy of this order.

6. With the above direction, this Writ Petition stands disposed of.
There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

LS

TO:-

Tahsildar
Office of the Tahsildar,
Peraiyur Taluk,
Madurai District.

Order made in
W.P.(MD)No.27335 of 2024

Dated:
18.02.2025