



W.P.(MD)No.7733 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.7733 of 2016

and

W.M.P.(MD)No.6404 of 2016

Mrs.K.Gomathi

... Petitioner

Vs

1. The Collector,
Collectorate,
Tirunelveli District.

2. The Tasildhar,
Taluk Office, Sankarankovil,
Tirunelveli District.

3. Mr.Kadarkarai

4. Mrs.Vadivu Alias Vadivammal (Died)

5. Mrs.Mariyammal

6. Shanmugathai

7. Ratha

8. Balasankar

9. Balakrishnan

10. Kadarkarai

... Respondents

*(R6 to R10 are impleaded vide Court order dated 03.06.2025
in WMP(MD)No.6428 of 2025 in W.P.(MD)No.7733 of 2016)*



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order in R2014/3969/14/1425, dated 10.10.2015 passed by the second respondent and quash the same.

For Petitioner : Mr.B.Rajesh Saravanan

For R-1 & R-2 : Mr.D.Gandhiraj
Special Government Pleader

For R-5 : Mr.N.Pragalathan

For R-6 & R-7 : Mr.G.Ramanathan

For R-8 & R-9 : Mr.M.Suri

For R-3 & R-10 : No appearance

: R-4 Died

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to quash the order dated 10.10.2015 passed by the second respondent.

2. The brief facts of the case are that the petitioner is the wife of the third respondent. The respondents 4 and 5 are the siblings of the third respondent.



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Pending the writ petition, the fourth respondent died and her legal heirs were impleaded as respondents 6 to 10. The third respondent is the only son of one Udayar, and the said Udayar had two daughters, namely, Vadivu @ Vaidvammal and Mariyammal, who are shown as respondents 4 and 5. After the demise of the said Udayar, the third respondent inherited the property and claims that he is the sole owner of the inherited property. Subsequently, he executed a gift settlement deed in favour of the petitioner, who is the wife of the third respondent. Now, respondents 4 and 5 are also claiming rights over the property and approached the revenue authorities for issuance of separate patta. When the properties have not been divided by any competent Court through partition, respondents 4 and 5 cannot seek separate patta. They may be entitled to a joint patta, but definitely not separate patta. When a dispute arose between the parties, the petitioner had already preferred a civil suit in O.S.No.258 of 2015 on the file of the District Munsif Court, Sankarankovil, and the same is pending.

3. The respondents have already filed a written statement that the suit was on the verge of completion and it is at the stage of arguments by both the sides. When the suit is pending, the rights of the parties are adjudicated before the civil suit, issuing separate patta through the impugned order is illegal.



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Therefore, the impugned order is quashed.

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4. The second respondent is directed to issue patta in the name of the deceased father, namely, Udayar. After disposal of the suit, the parties shall approach the revenue authorities, and abide by the judgment passed in the suit.

5. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2026

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

jbr

To

1. The Collector,
Collectorate,
Tirunelveli District.

4/6



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2. The Tasildhar,
Taluk Office, Sankarankovil,
Tirunelveli District.



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S.SRIMATHY, J.

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