



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.19605 of 2017

1.Muniyammal
2.Duraisamy
3.Duraipandian
4.Duraisangam
5.Subbulakshmi

... Petitioners

vs.

1.The District Revenue Officer,
Thoothukudi District.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.The Zonal Deputy Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

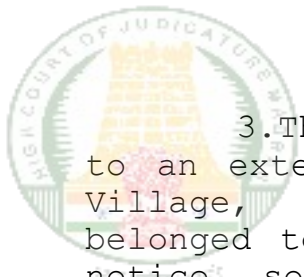
Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for records relating to the impugned order dated 22.09.2017 in file number 2017/0103/28/052585 passed by the 3rd respondent and quash the same and consequently direct the respondents to transfer the patta and other revenue records for the subject property measuring 2 Acres 44.53 Cents equivalent to 0.99.0 Hectares in Survey No.220/4A Pudhur Village, Vilathikulam Taluk, Thoothukudi District to the joint names of the petitioners.

For Petitioner : Mr.T.R.Jeyapalam
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the impugned order of the third respondent dated 22.09.2017 and consequently direct the respondents to transfer the patta and other revenue records in the joint names of the petitioners.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader for the respondents.



3.The case of the petitioners is that the property measuring to an extent of 2 acres 44.53 cents in Survey No.220/4A Pudhur Village, Vilathikulam Taluk, Thoothukudi District absolutely belonged to the father of the petitioners 2 to 5 and without his notice, some third parties sold the property in question to one Radhakrishnan. Hence, he filed a suit for declaration and the same was decreed in his favour. The grievance of the petitioners is that after the demise of father, being the legal heirs, the petitioners have submitted online application on 20.02.2017, seeking transfer of patta and other documents in their names and the same was rejected by the third respondent by the impugned order dated 22.09.2017 and in order to quash the same, the present petition has been filed.

4.It is seen from the impugned order that the third respondent without adducing any proper or acceptable reason, has simply rejected the claim of the petitioners and on that ground the impugned order is liable to be set aside and the matter is liable to be remitted to the second respondent for fresh consideration.

5.In the result, this writ petition is allowed. No costs. The impugned order passed by the third respondent dated 22.09.2017 is set aside and the matter is remitted to the second respondent. The petitioners are directed to produce all the relevant documents before the second respondent and on such production, the second respondent is directed to consider the same and pass orders afresh on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Consequently, WMP (MD)No.15884 of 2017 is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Thoothukudi District.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.The Zonal Deputy Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 86570

+1cc to Mr.T.R.JEYAPALAM Advocate in SR. No. 86468

MJ

JS/SV.MMS/SAR.1/21.11.2017/2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>

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