



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P (MD)No.23647 of 2019

Paramakudi Vanniyar Uravinmuraiyalarin Podu Sabai,
Representated by its Secretary,
8/191, Kanagi Street,
Paramakudi,
Ramanathapuram District.

... Petitioner

/Vs./

The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the respondent in S.R/01/2019 dated 16.07.2019 and consequently direct the respondent to mutate the patta in favour of the petitioner Society in respect of the lands of the petitioner in Old T.S.Nos.314/1, 315/1, 326/1, 330/1 and 328/1 Paramakudi, Ramanathapuram District.

For Petitioner : Mr.M.Mahob Athiff
of M/s.Ajmal Associates (Law Firm)
For Respondent : Mr.B.Bhagawathi
Government Advocate

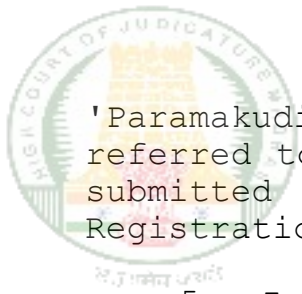
ORDER

Mr.M.Mahob Athiff, learned counsel of M/s.Ajmal Associates (Law Firm) on behalf of writ petitioner and Mr.B.Bhagawathi, learned Government Advocate who accepts notice on behalf of sole respondent are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. An 'order dated 16.07.2019 bearing reference No.S.R./01/2019' made by sole respondent (hereinafter referred to as 'impugned order' for brevity) has been called in question in the instant writ petition.

4. Short facts shorn of elaboration, necessary for appreciating this order are, that properties comprised in certain specific survey numbers in Ward H, Block 19 of Vendhoni Group in Paramakudi Taluk and Paramakudi Nagar, Ramanathapuram District, stand in the name of one Sundararajan Chettiyar (son of Pazhani Chettiyar). It is submitted that Sundararajan Chettiyar was earlier part of



'Paramakudi Vanniyar Uravinmuraiyalarin Podu Sabai' (hereinafter referred to as 'said Society' for the sake of brevity). It is also submitted that said Society is registered under Societies Registration Act, 1860 vide Registration No.30 of 1973.

5. In the aforesaid circumstances, said Society passed a resolution to the effect that aforementioned properties comprised in various survey numbers have been erroneously shown as 'Vanigavaisiya Trustee Pazhani Chettiyar', whereas, the name of said Society should have been shown. The sole respondent was petitioned by said Society in this regard by way of a petition dated 19.06.2019.

6. Learned counsel for writ petitioner submits that 19.06.2019 petition is under Section 10 of 'The Tamil Nadu Patta Pass Book Act, 1983 (4 of 1986)' (hereinafter referred to as 'said Act' for the sake of brevity, convenience and clarity).

7. A perusal of Section 10 of the said Act brings to light that it can be invoked under three circumstances and they are (a) death of a person (b) transfer of interest and (c) any other subsequent change in circumstances.

8. In the instant case, the petition dated 19.06.2019 can fit into first and third categories namely death and any other subsequent change in circumstances. To be noted, this Court is informed that Sundararajan Chettiyar who is described as Vaniga Trustee is no more and the property was registered in his name though it has been purchased from the funds of said Society.

9. The 19.06.2019 petition is predicated on aforementioned resolution. This resolution as well as the Form-VII for the triennium 2018-2021 showing list of members have been read as (v) and (iv) respectively in the representation, but annexure to the petition shows that (v) has not been annexed, though (iv) has been annexed.

10. Learned State counsel points out that in the absence of the resolution, impugned order came to be passed.

11. In the light of what unfurled in the hearing today (which has been set out thus far), this Court is of the considered view that it would be appropriate to give an opportunity to the writ petitioner to produce the resolution and documents supporting the same ie., cited as (v) in the representation dated 19.06.2019, so that the request of the writ petitioner under Section 10 of said Act and more particularly first and third limbs of Section 10 of said Act alluded to supra can be reconsidered.

12. In the light of the narrative thus far, following order is passed:

<https://hcservices.ecourts.gov.in/hcservices/> Impugned order dated 16.07.2019 bearing



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reference No.S.R./01/2019 made by the sole respondent is set aside. It is made clear that the impugned order is set aside without expressing any opinion or view on merits of the matter, solely for the purpose of enabling the writ petitioner to submit documents mentioned in the impugned order above.

(b) 19.06.2019 petition shall be resubmitted by said Society with document/resolution cited as (v) thereat together with supporting documents for the same if any.

(c) Learned counsel for writ petitioner undertakes that aforesaid resubmission will be done within a fortnight from the date of receipt of a copy of this order.

(d) On resubmission in the aforesaid manner, sole respondent shall take up the resubmitted petition along with document/resolution cited as (v) thereat together with supporting documents if any, examine the same on its own merits, in accordance with law and pass order as expeditiously as possible and in any event, within a period of eight weeks from the date of resubmission.

13. The decision taken by the sole respondent shall be communicated to the writ petitioner under due acknowledgement within seven (7) working days from the date of decision.

14. Instant Writ Petition is partly allowed with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

- 1CC TO M/S.AJMAL ASSOCIATES, ADVOCATE, SR NO.97194
- +1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR NO.97281

Order made in
W.P (MD) No.23647 of 2019

Dated:
08.11.2019

KK/SAR/25.11.2019/4P-4C/