



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.12593 of 2020

and

W.M.P. (MD) No.10738 of 2020

K.P.Muthuraja Sethu Pandian

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Collectorate Campus,
Madurai - 625 020.

2. The Tahsildar, Vadipatti Taluk,
Vadipatti, Madurai District.

3. The Village Administrative Officer,
Thiruvudagam Village,
Vadipatti Taluk, Madurai District.

4. The Firka Surveyor,
Shozhavandhan Firka,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Rejection Order of the second respondent in Application No.2020/0105/24/199115, dated 06.03.2020 and 'Quash' the same and also pass a Direction to the second respondent to proceed with the Sub-Division and patta Transfer Application No.2020/0105/24/202866, dated 20.03.2020 by adopting the Board Standing Orders.

For Petitioner : Mr.S.Chandrasekaran

For Respondents : Mr.Murugan,
Government Advocate

ORDER

This writ petition is filed challenging the order of the second respondent in Receipt No.2020/0105/24/199115, dated 06.03.2020 and to direct the second respondent to proceed with the Sub-Division and patta Transfer Application No.2020/0105/24/202866, dated 20.03.2020 by adopting the Board Standing Orders.

2. Mr.Murugan, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The learned counsel appearing for the petitioner would submit that the writ petitioner had purchased a house site property in Survey No.152/2, New Survey No.162/47, measuring to an extent of 2953.125 sq.ft (6 $\frac{3}{4}$ cents and 10 sq.ft). The petitioner made an application on 20.03.2020 for Sub-Division and patta transfer along with necessary documents and also paid the prescribed fee. But the second respondent has sent a message to the petitioner's mobile that the petitioner's application No.2020/0105/24/202866, dated 20.03.2020 was rejected. Hence the petitioner has filed this present writ petition.

4.The learned Government Advocate appearing for the respondents would submit that the suit has filed in O.S.No.85 of 2020 on the file of the District Munsif Court, Vadipatti for declaring the sale deed registered document is null and void. Therefore, the dispute with regard to title of the property is pending before the civil Court. Hence the authority has rightly rejected the claim of the petitioner.

5.Heard the learned counsel on either side and also perused the materials available on records.

6.On perusal of the materials, the writ petitioner had purchased the house site property in Survey No.152/2, New Survey No.162/47, measuring to an extent of 2953.125 sq.ft (6 $\frac{3}{4}$ cents and 10 sq.ft). Subject matter of the registered sale deed document No.546 is now under challenge before the civil Court in O.S.No.85 of 2020 on the file of the District Munsif Court, Vaidpatti. The petitioner is also one of the defendant in the said suit. At this stage, the petitioner has filed this petition for transfer of patta. In view of the pendency of the suit, the second respondent has rightly rejected the petitioner's application. Hence, there is no illegality or error in the rejection order passed by the second respondent.

7.In fine, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

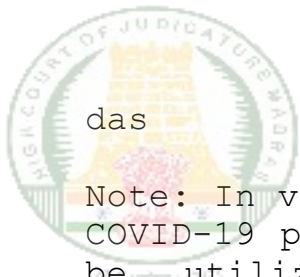
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
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- 2.The Tahsildar,
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- 3.The Village Administrative Officer,
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+1 CC to SGP (SR-18273[F] dated 28/09/2020)

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and
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25.09.2020

AVS (CO)
KM (06.10.2020) 3P 6C