



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.15750 of 2020

and

W.M.P. (MD) No.13197 of 2020

Yasotha

...Petitioner

-Vs-

1.The Sub Collector,
O/o.the Revenue Divisional Office,
Kulithalai, Karur District.

2.The Regional Deputy Tahsildar,
Kulithalai Taluk Office,
Kulithalai,
Karur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned rejection order passed by the second respondent through its online communication dated 12.10.2020 vide File No.2020/0103/14/140018 and quash the same and consequently direct the second respondent to transfer the patta in the name of the petitioner on the basis of the registered sale deed dated 23.09.2020 vide document No.2414/2020.

For Petitioner : Mr.S.Deenadhayalan
For Respondents : Mr.M.Pandiyarajan
Additional Government Pleader.

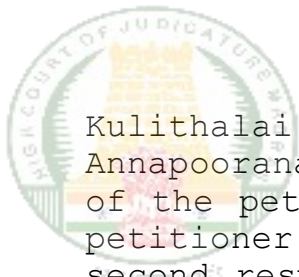
ORDER

This writ petition has been filed to quash the impugned rejection order passed by the second respondent through his online communication dated 12.10.2020 vide File No.2020/0103/14/140018 and consequently, to direct the second respondent to transfer the patta in the name of the petitioner on the basis of the registered sale deed, dated 23.09.2020 vide document No.2414/2020.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.Heard Mr.S.Deenadhayalan, learned counsel for the petitioner and Mr.M.Pandiyarajan, learned Additional Government Pleader, who accepts notice for the respondents.

4. According to the petitioner, the petitioner has purchased the property in S.No.217/3, situated at Karuveppanayakkanpettai,



Kulithalai Taluk, Karur District to an extent of 36 cents from one Annapooranai vide registered sale deed dated 23.09.2020. The vendor of the petitioner is the original owner of the said property. The petitioner applied for transfer of patta to the respondents. The second respondent through his online communication dated 12.10.2020 had rejected the petitioner's application for transfer of patta stating that 'civil dispute is pending in respect of the property in question'. Thereafter, the petitioner approached her vendor, Annapoorani and enquired about the civil dispute. The vendor of the petitioner states that a matrimonial dispute is only pending with regard to his son and daughter-in-law, in which the petitioner has also been made as a party. Thereafter, the petitioner submitted a representation dated 19.10.2020, to reconsider the rejection order stating that no civil dispute is pending. But, sofar, no order has been passed. Hence, the petitioner has filed the present writ petition.

5. This Court is of the view that pendency of the matrimonial or domestic violence case before the Courts will not be a bar for the authorities to take a decision in the issue of patta transfer in the absence of any stay / interim order / interim injunction from proceeding further.

6. In view of the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 19.10.2020 and decide the same within a period of ninety (90) days from the date of receipt of a copy of this order after affording opportunity to all the parties concerned. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta

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 Sub Collector,
O/o.the Revenue Divisional Office,
Kulithalai, Karur District.

2.The Regional Deputy Tahsildar,
Kulithalai Taluk Office,
Kulithalai,
Karur District.

+1 CC to SPL GP (SR-21741[F] dated 10/11/2020)

W.P.(MD)No.15750 of 2020
09.11.2020

VB (27.11.2020) 3P 4C