



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.9385 of 2021
and W.M.P. (MD) .No.7100 of 2021

1.R.Ravichandran
2.K.Alagarsamy

... Petitioners

Vs.

1.The Tahsildar,
Vadipatti taluk,
Vadipatti,
Madurai District.

2.R.Ramanatha Iyer

3.R.Varadharajan

... Respondents

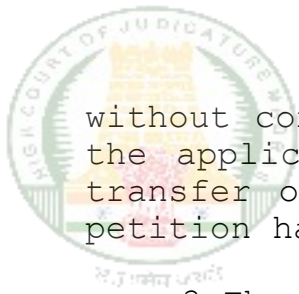
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 1st respondent from transferring/issuing patta in the name of 2nd and 3rd respondents in respect of the Nanja lands of 0.54.0 ares in Survey No.256/1, 0.67.0 ares in Survey No.235, 0.04.0 Acres in Survey No.237/2 and 0.39.5 Acres in Survey No.241/1 covered in Patta No.467, Tenkasi Village in the name of Meenakshiammal, Tenkarai Village, without adjudication of the title of the 2nd and 3rd respondents by a competent Civil Court and also evicting the petitioners from the above said land without due process of law.

For Petitioners : Mr.A.Thirumurthy
For Respondents : Mr.M.Lingadurai for R1
Government Advocate
Mr.V.Raghavachari for R3

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus forbearing the first respondent from transferring the patta in the name of the second and third respondents with respect to the subject property.

2.The case of the petitioners is that they are the Cultivating tenants in the subject property and the second and third respondents without any right or title over the property are attempting to get the patta transferred in their name. The petitioners have already given their objections to the first respondent in this regard and



without considering the same, the first respondent was dealing with the application submitted by the second and third respondents for transfer of patta and left with no other option, the present writ petition has been filed before this Court.

3.The third respondent has filed a counter affidavit in this case and a stand has been taken to the effect that a Will has been executed in their favour and they are entitled to transfer of patta in their name and the petitioners who are merely cultivating tenants cannot oppose the grant of patta in favour of the second and third respondents.

4.Heard Mr.A.Thirumurthy, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate, appearing for the first respondent and Mr.V.Raghavachari, learned counsel appearing for the third respondent.

5.In the considered view of this Court, there is no requirement to go into the factual disputes raised by the learned counsel for the petitioners and the learned counsel appearing on behalf of the second and third respondents. The second and third respondents have already submitted an application before the first respondent seeking for transfer of patta in their name with respect to the subject property. The petitioners have submitted their objections in this regard.

6.It will therefore, be left open to the first respondent to consider the application submitted by the second and third respondents after considering the objections made by the petitioners and deal with the same on its own merits and in accordance with law and pass final orders, within a period of six weeks from the date of receipt of a copy of this order. This Court did not intentionally go into the merits of the case, since any findings may have a bearing on the decision to be taken by the first respondent. All the issues are left open to be decided by the first respondent.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

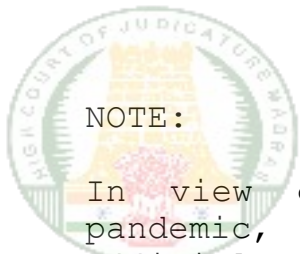
Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

TM



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 Tahsildar,
Vadipatti taluk,
Vadipatti,
Madurai District.

+2 CC to M/s.A.THIRUMURTHY, Advocate (SR-22195[F] dated 12/07/2021)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-22194[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22312[F] dated 13/07/2021)

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PM(CO)
KB(20.07.2021) 3P 6C