



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.19222 of 2021

and

W.M.P. (MD)No.15947 of 2021

WEB COPY

A.Murugan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Thasildar,
Palayamkottai,
Tirunelveli District.

3.The Zonal Deputy Thasildar,
Palayamkottai,
Tirunelveli District.

4.Velmurugan

...Respondents

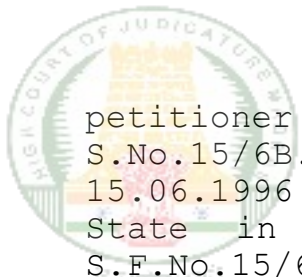
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent not to transfer the patta in Patta No.1809 in favour of the fourth respondent without considering the objection given by the petitioner dated 15.09.2021 in respect of property in old S.F.No.15/6, new S.F.No.15/6B situated at Vijaya Ragava Muthaliyar Chathiram Village, Palayamkottai Taluk, Tirunelveli District consequently direct the third respondent to adhere the rule in Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 while considering the objection of the petitioner dated 15.09.2021.

For Petitioner : Mr.S.Gokulraj
For R1 to R3 : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction to the third respondent not to transfer the patta under Patta No.1809 in favour of the fourth respondent without considering the objections of the petitioner dated 15.09.2021 in respect of the property bearing old S.F.No.15/6, new S.F.No.15/6B, at Vijaya Ragava Muthaliyar Chathiram Village, Palayamkottai Taluk, Tirunelveli District.

2.The petitioner claims title over the above mentioned properties under two registered sale deeds dated 02.09.2010. The



petitioner also cites Patta No.1809 in respect of subdivided S.No.15/6B. According to the petitioner, a sale deed dated 15.06.1996 was registered before the Sub Registrar, Parasala, Kerala State in respect of the entire extent of property in old S.F.No.15/6. The said sale deed was cancelled on 13.08.1997. In spite of such cancellation, the petitioner alleges that the fourth respondent has submitted an application to mutate Patta No.1809 after unlawfully registering a sale deed in respect of the same property subsequently. Therefore, the petitioner submitted objections on 15.09.2021 to the third respondent. The present writ petition is filed to prevent the third respondent from mutating the patta without considering the petitioner's objections.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for respondents 1 to 3. He submits that a reasonable opportunity would be provided to both the joint pattathars under Patta No.1809, including the petitioner herein, before a decision is taken on the request of the fourth respondent.

4.The petitioner has enclosed the sale deeds under which he has purchased the relevant property. The said sale deeds pertain to extents of 4356 sq.ft and 4035 sq.ft., respectively, in S.F.No.15/6. Patta No.1809 is on record. The said patta has been issued in the names of one Ayya Subramaniya Muthaliyar and the petitioner. It pertains to S.No.15/6B of an extent of 20 ares, which roughly corresponds to 50 cents. Therefore, it is evident that the petitioner has purchased a small extent out of the larger extent of 20 ares. As such, Ayya Subramaniya Muthaliyar should be heard in course of inquiry in addition to the petitioner.

5.Accordingly, without entering findings on the merits, W.P. (MD)No.19222 of 2021 is disposed of by directing the third respondent to consider the petitioner's objections before deciding the application for grant of patta by the fourth respondent. The third respondent is also directed to put Ayya Subramaniya Muthaliyar, who is the joint pattathar as regards Patta No.1809 on notice. After providing a reasonable opportunity to the petitioner, Ayya Subramaniya Muthaliyar and the fourth respondent herein, the application for patta shall be disposed of by way of a reasoned communication within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs. Consequently, W.M.P.(MD)No.15947 of 2021 is closed.

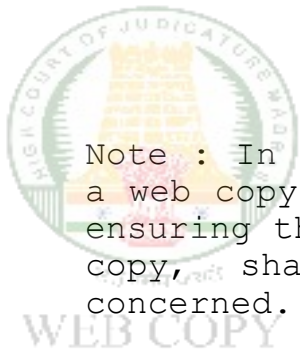
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Tirunelveli District,
Tirunelveli.

2.The Thasildar,
Palayamkottai,
Tirunelveli District.

3.The Zonal Deputy Thasildar,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-33246[F] dated 29/10/2021)

+1 CC to M/s.SPL.GP (SR-33386[F] dated 01/11/2021)

W.P(MD) .No.19222 of 2021
29.10.2021

AM(CO)
GC/PM(18.11.2021) 3P 6C