



W.P.(MD) No.2350 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.2350 of 2014

R.Anu @ Annampurani

... Petitioner

/vs./

1.The District Revenue Officer,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Taluk Officer, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings Pa.Mu.P1-26627/2010 dated 27.12.2013 passed by the 1st respondent Mu.Mu.A1.7981-99 dated 11.6.2010 passed by the 2nd respondent and O.Mu.Dha.Pa.Ma.P./667/09 dated 22.08.2009 passed by the 3rd respondent and quash the same and direct the respondents to issue patta and sub divided the petitioner's portion of 28 cents of land in accordance with law.



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For Petitioner : Mr.T.R.Subramanian
For Respondents : Mrs.D.Farhana Ghoushia
Additional Government Pleader

ORDER

The present writ petition has been filed being aggrieved against the order of the first respondent confirming the order of the respondents 2 and 3 in rejecting the petitioner's request for transfer of patta.

2.The case of the petitioner is that he had purchased the property from one Chidambaram through his power of attorney by a registered sale deed dated 21.01.2004. The sale deed has been executed by a power of attorney. However, the said power of attorney was a notarized power of attorney and not a registered power of attorney. After the purchase of the property, the petitioner had approached the third respondent herein for grant of patta. The request of the petitioner was rejected on the ground that the power of attorney was not registered, against which the petitioner preferred an appeal to the second respondent, who had also passed a similar order and further revision to the first respondent had met with the same result.



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3.The learned counsel for the petitioner would submit that the respondents ought to have conducted an enquiry by issuing notice to the Pattatharar, in whose name the patta stands and after conducting enquiry should have decided the issue.

4.Considering the above facts, I am of the view that the sale deed executed in favour of the petitioner is of the year 2004. During the relevant point of time, even a notarized power of attorney was held to be valid and the same has been acted upon by parties, the same could not be a ground to reject the claim of the petitioner. Had the authorities had any doubt as to the transaction, the authorities could have issued notice to the person, in whose name the revenue records stand and after enquiring him should have taken a decision.

5.Therefore, I am of the view that the impugned orders are liable to be set aside and the issue is remitted back to the third respondent to conduct an enquiry after affording an opportunity to the petitioner as well as to the person, in whose name the revenue records stand and thereafter, pass appropriate orders on the application of the petitioner for transfer of patta. The said exercise shall be carried



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on by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is allowed. However, there shall be no order as to costs.

Speaking : Yes / No
Non Speaking : Yes / No
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07.12.2022

To

- 1.The District Revenue Officer,
Sivagangai District.
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- 3.The Tahsildar,
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K.KUMARESH BABU, J.

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