



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.12.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27219 of 2022

M.Malaisamy

..Petitioner

Vs

1.The District Registrar,
Pudukkottai District.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to mutuate patta in the Petitioner's name for subject properties in S.Nos.170/9B2, 172/4, 173/10C, 173/8,175/15,175/16, 175/7,175/13A1, measuring 0.0.50, 0.33.50, 0.1.00, 0.14.00,0.16.00. 0.32.00, 0.16.00 and 0.3.50 Hectares respectively with a total extent of 1.16.50 hectares situated at Rethnakottai Village, Aranthangi Taluk, Pudukkottai District at the earliest

For Petitioner :Mr.N.Balakrishnan

For Respondents:Mrs.K.Christy Theboral
1 and 2 Addl.Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of directing the second respondent to mutuate patta in the Petitioner's name for subject



properties in S.Nos.170/9B2, 172/4, 173/10C, 173/8,175/15,175/16, 175/7,175/13A1, measuring 0.0.50, 0.33.50, 0.1.00, 0.14.00,0.16.00. 0.32.00, 0.16.00 and 0.3.50 Hectares respectively with a total extent of 1.16.50 hectares situated at Rethnakottai Village, Aranthangi Taluk, Pudukkottai District at the earliest.

2.Mrs.K.Christy Theboral, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the prayer mentioned properties are ancestral properties belonging to the joint family consisting the Petitioner's parents, Manickam, Ganjaiammal, the Petitioner's elder sister Meenakshi Ammal, the Petitioner himself and his younger sister Yasodha.The Petitioner's sisters are all married and aged 62 and 68 years, living separately with their family. As the Petitioner is in Saudi Arabia, by anger, the Petitioner's father had executed a registered settlement deed in respect of the subject matter properties in favour of his two sisters under an Inam registered settlement Deed, dated 19.3.2013 and the possession of the same was with the father, as the sisters are living away from the Petitioner's village.The Petitioner's mother and father got expired on 9.6.2012 and 23.2.2017 respectively.For the death of the father, the Petitioner came to India and at that time the sisters of the



deceased came forward to give back the properties to the Petitioner and had also executed a registered on 14.3.2017 and it was also registered. Hence the Petitioner made an application through online to the second respondent for mutation of patta . The patta for the above said properties stand in the name of his sisters Meenakshi and Yasodha in Patta No.4095. Somehow, the above said Meenakshi has some oral objection for patta transfer and his sister Yasodha has no locus standi to object for the transfer of patta. The second respondent on 21.11.2022 informed the Petitioner to get the consent letter from the sisters for transfer of patta and the said request of the second respondent is bad and not necessary as per law. Since the Petitioner's claim was not considered, the Petitioner has filed this Writ Petition for the relief stated supra.

4. Though the learned counsel for the Petitioner sought for a larger relief in his Writ Petition, at the time of hearing, he confined his relief to consider the representation of the Petitioner submitted in this regard within the time frame fixed by this Court, for which, the learned Additional Government Pleader appearing for the respondents 1 and 2 also acceded to.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 10.11.2022 submitted in this



regard and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

01.12.2022

Index : Yes/No
Internet: Yes/No
vsn

To

1. The District Registrar,
Pudukkottai District.
2. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27219 of 2022

01.12.2022



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