



W.P.(MD) No.1895 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1895 of 2020

R.Subathiraiammal

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.K.C.Gurusamy

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the third respondent to consider the petitioner's Online Patta Transfer application on 12.10.2019 and directing the third respondent to change the patta in petitioner's name for the property described in an extent of 1 Acres 75 cents in Survey No. 60/1B at Milagarai Village, Madurai North Taluk, Madurai District.



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For Petitioner : Mr.J.Mathesh
For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader
For R4 : Mr.R.Rajasekar

ORDER

The above writ petition has been filed for a mandamus directing the third respondent to consider the petitioner's online transfer application applied on 12.10.2019 and directing the third respondent to change the patta in the petitioner's name in respect of the property measuring an extent of 1 acre 75 cents in Survey No.60/1B at Milagarai Village, Madurai North Taluk, Madurai District.

2. The petitioner's case is that she purchased the property from one Pichaiammal and Alagammal under a registered sale deed dated 15.07.2010. It is her case that the property originally belonged to one Mr.Pandian and he bequeathed his property in favour of the said Pichaiammal and Alagammal under the Will dated 09.10.2004. On his



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death, the two had become the title holders and they had sold the property to the petitioner. It is her further case that the said Pandian has no direct legal heirs and on 30.04.2013, the civil Court had passed an order in O.S.No.61 of 2011 that Pichaiammal is the only legal heir of Pandian. He would further submit that one K.C.Gurusamy had fraudulently created a document and obtained patta in the name of Managing Trustee of Pandian Trust. When this fraudulent activity came to the knowledge of the petitioner, she has challenged the forged patta obtained, by filing an application before the second respondent. The second respondent, after enquiry, passed an order to cancel the patta and directed the third respondent to issue patta in the name of the petitioner. This order has not been challenged and therefore, the writ petition ought to be allowed.

3. The learned counsel appearing for the fourth respondent, who was subsequently impleaded, produced the judgment in O.S.No.256 of 2011 which was the suit filed by the fourth respondent and his son as trustee of Milaka V.Pandian Charitable Trust. The suit was filed for



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declaration that the suit property belongs to the Trust and to declare the sale deed executed in favour of the petitioner herein as null and void and not binding on the fourth respondent and other plaintiff therein and for consequential injunction restraining their possession being disturbed. By judgment dated 23.12.2021, the learned District Munsif, Madurai, was pleased to decree the suit as prayed for. There has been no challenge to this decree.

4. In the light of the above, the petitioner, whose sale deed has been declared as null and void, cannot seek a mandamus to change the patta in her name. Accordingly, this writ petition is dismissed. No costs.

19.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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