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W.P.(MD)NO.613 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.613 & 614 of 2023 AND
W.M.P.(MD)Nos.601 & 605 of 2023

A.R.Dhanusiya,
Rep. by her mother and natural guardian
Parameswari.

... Petitioner
in W.P.(MD)No.613 of 2023

A.R.Dhanaseelan

... Petitioner
in W.P.(MD)No.614 of 2023

Vs.

1. The Zonal Deputy Tahsildar,
Karur Taluk.

2. The Inspector of Police,
Economic Offence Wing-II, Karur.

3. The Secretary to Government,
Home Department, Chennai.

(R-2 & R-3 are *suo motu* impleaded
vide order dated 21.09.2023)

... Respondents
in both petitions

Prayer in W.P.(MD)No.613 of 2023 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in application



No.2022/0103/14/233657 dated 16.12.2022 and quash the same as illegal and consequently direct the respondent to transfer the patta in the name of the petitioner based on her application dated 15.10.2022 in application No.2022/0103/14/233657 on the file of the respondent herein.

Prayer in W.P.(MD)No.614 of 2023 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in application No.2022/0103/14/233656 dated 16.12.2022 and quash the same as illegal and consequently direct the respondent to transfer the patta in the name of the petitioner based on his application dated 15.10.2022 in application No.2022/0103/14/233656 on the file of the respondent herein.

(in both W.Ps.)

For Petitioner : Mr.K.Rajeshwaran

For R-1 & R-3 : Mr.D.Gandhiraj,
Special Government Pleader.

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *

COMMON ORDER

Heard both sides.

2. The petitioners applied for issuance of patta.

3. The petitioners' request was rejected on the ground that the



parent document was not submitted. Challenging the said rejection order, the present writ petition came to be filed.

4. The learned counsel appearing for the petitioners pointed out that the petitioners filed partition suit in O.S.No.101 of 2020 on the file of the District Court, Karur and obtained final decree in their favour on 10.11.2020. The learned counsel submitted that this decree should be treated as a parent document for the purpose of recognising the petitioner's rights. In normal circumstances, I would have definitely accepted the said contention. But the learned Special Government Pleader points out that Ramanathan, father of the petitioners is figuring as an accused in TNPID Act case (Crime No.1 of 2020 on the file of the Economic Offence Wing-II, Karur). The partition suit itself was filed only on 22.06.2020 and decree was passed on 10.11.2020. It was a collusive decree. Therefore, the petitioners' application could not be straightaway accepted. The learned counsel appearing for the petitioners asserts that the property has not yet been attached. The learned Special Government Pleader is also not able to produce any Government Order attaching the property in question.

5. I grant three months time to the Government to come out with any Government Order attaching the property in question. If any



such Government Order is issued, the petitioners are at liberty to move the Special Court immediately to vindicate and ventilate their grievance.

The Special Court is directed to number the IA to be filed by the petitioners and give a disposal on merits and in accordance with law declaring the rights of the petitioners. The revenue authority / Zonal Deputy Tahsildar is obliged to act in terms of any direction that may be passed by the Special Court. The Special Court will have to take a call within a period of three months from the date of filing of IA by the petitioners. If the Government has not issued any Order attaching the property, the first respondent herein is directed to effect mutation of patta as sought for by the petitioners in terms of the final decree dated 10.11.2020 made in O.S.No.101 of 2020 on the file of the District Judge, Karur. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19 .03.2024

Index : Yes / No

Internet : Yes/ No

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To:

1. The District Judge,
Karur.
2. The Zonal Deputy Tahsildar,
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3. The Inspector of Police,
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