



W.P(MD)No.829 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.829 of 2024

Subramanian

.. Petitioner

Vs

1.The Tahsildar,
Dindigul East Taluk,
Dindigul.

2.Ramachandran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Tahsildar Dindigul East Taluk, Dindigul/the first respondent herein to process the application for transfer of patta under Application No.2023/0103/13/283276 dated 07.11.2023 and effect the transfer of patta in respect of the properties in S.No.157/10 measuring 0.50 Ares and S.No.157/3C5 measuring 4.00 Ares in Sanarpatti Village, Dindigul East Taluk, Dindigul District within a time frame as fixed by this Court.



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For Petitioner : Mr.Y.Prakash

For Respondents : Mr.SRA.Ramachandran
Addl. Govt. Pleader for R1

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent herein to process the application for transfer of patta under Application No.2023/0103/13/283276 dated 07.11.2023 and effect the transfer of patta in respect of the properties in S.No.157/10 measuring 0.50 Ares and S.No.157/3C5 measuring 4.00 Ares in Sanarpatti Village, Dindigul East Taluk, Dindigul District, within the time stipulated by this Court.

2. Mr.SRA.Ramachandran, learned Additional Government Pleader takes notice for the first respondent. Considering the nature of the order proposed to be passed, protecting the interest of the second respondent, notice to him is dispensed with. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner would submit that the petitioner is one of the legal heirs of Late Parasurama Iyer, who purchased the properties in S.No.157/10 measuring 0.50 Ares and S.No.157/3C5 measuring 4.00 Ares in Sanarpatti Village, Dindigul East Taluk, Dindigul District, from one Maruthanayagam and his then minor son, Sundaramurthy, under a sale deed dated 11.09.1974 vide registered Document No. 2682/1974. Thereafter, the said properties have been in the possession and enjoyment of the petitioner's family. After the demise of his father, as legalheirs the petitioner and his other family members inherited the same. This transition of ownership was acknowledged and formalized through the issuance of Patta No.184 in the name of the petitioner's mother. Thereafter, the second respondent, who claims to be one of the sons of Maruthanayagam, alleged right over these properties challenging the validity of the 1974 sale deed executed between the petitioner's father, Parasurama Iyer and the second respondent's father Maruthanayagam. In this regard, the second respondent filed a suit in O.S.No.377 of 2022 before the Principal District Court, Dindigul, that too, after 48 years of the execution of the sale deed and the same is pending. Moreover, a rectification deed was executed in 1988 to correct the typographical errors



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in the original sale deed. The second respondent wants him to be included as a vendor in the said rectification deed and the same is without merit since his father Maruthanayagam sold other properties to third parties, including the petitioner's father. In the meantime on 11.10.2023, the petitioner's mother died. Hence, it became necessary for the petitioner and his siblings to get patta in their name. In this regard, the petitioner has filed an application to the first respondent/Tahsildar, in Application No. 2023/0103/13/283276 dated 07.11.2023. Since the suit is pending, the said application is not considered so far by the second respondent. Hence, the petitioner has come before this Court. He would further submit that it would suffice if the application of the petitioner is disposed of by the first respondent, on merits and in accordance with law within the time stipulated by this Court.

4. Considering the limited scope of the prayer sought for by this petitioner, this Court finds that mere pendency of the suit will not be sufficient for the authorities to deny the right of the individual. Hence, this Court directs the first respondent/Tahsildar, Dindigul East Taluk, Dindigul, to pass appropriate orders on the application of the petitioner, dated



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07.11.2023 on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of sixteen weeks from the date of receipt of a copy of this order.

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

12.01.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJJ

To
1.The Tahsildar,
Dindigul East Taluk,
Dindigul.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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