



W.P.(MD)No.2951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 12.02.2024

CORAM

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2951 of 2024

and

W.M.P(MD)No.2941 of 2024

G.Arunjothi

...Petitioner

/Vs./

The Zonal Deputy Tahsildar,
Taluk Office,
Manapparai Taluk,
Trichy District.

...Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to respondent proceedings made in application number 2023/0103/15/384165, dated on 22.12.2023, quash the same and further direct him to issue patta in favour of petitioner pertaining to properties situated at Trichy District, Manapparai Taluk, Thavalaiveeranpatti, S.F.No.166/4B measuring Acre 0.69 cents, S.F.No.166/6A measuring Acre 0.20 cents, S.F.No. 166/5A measuring Acre 0.25 cents, S.F.No.166/5B measuring Acre 0.05 cents, S.F.No.166/5C measuring Acre 0.05 cents, S.F.No.166/10A measuring Acre 0.02 cents, S.F.No. 167/3C5 measuring Acre 0.17 cents, S.F.No.167/4B measuring Acre 0.40 cents and S.F.No.167/4D measuring Acre 0.35 cents, within a stipulated period as may be fixed by this Court.



W.P.(MD)No.2951 of 2024

For Petitioner : Mr.H.Jahir Hussain

For Respondent : Mr.A.Kannan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings issued by the respondent in application number 2023/0103/15/384165, dated 22.12.2023, with a consequential direction to the respondent to issue patta in favour of petitioner pertaining to the subject properties situated at Trichy District, Manapparai Taluk, Thavalaiveeranpatti.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that the subject properties originally belonged to the petitioner's father, who has purchased the same through registered sale deeds. He has executed a will in favour of the petitioner, which was also registered as document. After demise of the petitioner's father, the registered will came into force. The petitioner is in possession and enjoyment



W.P.(MD)No.2951 of 2024

of the subject properties. When the petitioner applied for transfer of patta before the respondent, he rejected the same even without assigning any reason, which is in violation of principles of natural justice. Hence, the petitioner came before this Court with the aforesaid prayer.

4. The learned counsel appearing for the petitioner submits that without assigning any reason, the impugned order came to be passed and the respondent has not conducted any enquiry with regard to the petitioner's application and hence, he seeks for quash of the impugned order.

5. The learned Additional Government Pleader appearing for the respondent submits that since there was objection from the son of the first wife of the petitioner's father, patta transfer cannot be done. He has also produced written instructions received from the respondent in Na.Ka.A2/003/2024 dated 12.02.2024.

6. On going through the impugned order, it is seen that there is no reason stated as to why the application was rejected and hence, the impugned order is liable to be quashed. The petitioner claims right over the property on the basis of the registered will executed by his father. On verification, it is found that the



W.P.(MD)No.2951 of 2024

petitioner's father had two wives and since there is some objection raised by the son of the first wife of the petitioner's father, the patta transfer could not be done by the respondent.

7. Considering the aforesaid observations, this Court quashes the impugned order and directs the respondent to hold an enquiry with regard to the patta transfer proceedings and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, especially the legal heirs of the petitioner's father's first wife, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that if there is any objection raised by the son of the first wife of the petitioner's father, the same shall be considered at the time of passing final orders and if at all the parties have any dispute, the same has to be decided by the competent civil Court.

8. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.02.2024

NCC : Yes/No

Index : Yes/No



W.P.(MD)No.2951 of 2024

TO:-
WEB COPY

The Zonal Deputy Tahsildar,
Taluk Office,
Manapparai Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.2951 of 2024

V.BHAVANI SUBBAROYAN, J.

sm

Order made in
W.P(MD)No.2951 of 2024

Dated:
12.02.2024