



W.P(MD)No.3627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3627 of 2024

and

W.M.P.(MD)No.3565 of 2024

Munisamy

... Petitioner

Vs.

1.The Tahsildar,
Aathoor Taluk,
Dindigul District.

2.V.Kathiravan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in Na.Ka.No.5053/2023/Aa1 dated 10.01.2024 and to quash the same as illegal and consequently direct the respondents to transfer the Patta in the name of the petitioner.

For Petitioner : Mr.R.Rajeshkumar

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1.



W.P(MD)No.3627 of 2024

ORDER

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Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the first respondent. Considering the nature of relief to be granted, issuance of notice to the second respondent is dispensed with.

2.Patta No.201 issued by the Tahsildar, Aathoor stood in the name of Velu Pillai, S/o.Anaiyappa Pillai and Ramasamy, S/o.Palaniyandi. This joint patta is in respect of S.No.170/2. Patta No.165 stood in the exclusive name of Velu Pillai in respect of S.No.167/4B and S.No.170/1. The petitioner had purchased five items of property from the said Velu Pillai @ Velusamy vide sale deed dated 07.06.2023. He applied for mutation of patta. The authorities have declined to effect mutation. This was because the second respondent herein raised objections. Challenging the rejection order dated 10.01.2024 passed by the first respondent, the present writ petition came to be filed.

3.This Court will not be justified in straightaway setting aside the impugned order because the said order was passed in view of the objections raised by the second respondent. At the same time, the obvious facts steering on the face of the record cannot be ignored. The only reason given by the first



W.P.(MD)No.3627 of 2024

respondent is that S.A.(MD)No.257 of 2022 filed by the second respondent is pending before the Madurai Bench of the Madras High Court.

4.The well settled principle is that the purchaser from a pattadar is entitled to step into the shoes of the pattadar. Revenue Standing Order 31 is clear and categorical on the point. While considering challenge to a similar order in W.P.(MD)No.14862 of 2022, I had held as follows:-

“3.The impugned order has to be set aside for the simple reason that mutation sought for by the petitioner was something automatic. The petitioner's vendor was admittedly the pattadar. Therefore, by virtue of purchase, the petitioner was entitled to step into his shoes.

4.In this view of the matter, the impugned order is set aside. The first respondent is directed to substitute the name of the petitioner in the place of her vendor. This shall be done immediately and without any delay. It is however made it clear that the rights of the writ petitioner will abide by the outcome of the civil suit.”

The said order was put to challenge in W.A.(MD)No.111 of 2024 and the Hon'ble Division Bench vide order dated 02.02.2024 declined to interfere.

5.It is seen that the second respondent filed a partition suit in O.S.No.204 of 2013 on the file of the Additional Sub Court, Dindigul. Velusamy was



W.P(MD)No.3627 of 2024

shown as the first defendant. The suit was dismissed on 08.02.2018.

Challenging the same, the second respondent filed A.S.No.144 of 2018. It was dismissed by the learned Principal District Judge, Dindigul on 18.11.2019. Questioning the same, the second respondent had filed the aforesaid second appeal and it is said to be pending. If any interim order has been granted in favour of the second respondent, first respondent will be justified in rejecting the petitioner's request.

6.I, therefore, permit the petitioner to submit a fresh application on the same cause of action before the first respondent. As and when, it is received, the first respondent will issue notice to the second respondent. The notice to be issued by the first respondent to the second respondent will make it clear that unless an interim order is obtained by the second respondent in his favour in the pending second appeal, mutation will be effected. The second respondent will be given a full six weeks time. Enquiry will be held after the expiry of such six weeks' period. If at the end of the six weeks period, the second respondent is unable to get any interim order in the pending second appeal, mutation shall be effected as prayed for by the petitioner and as per the sale deed executed by Velu Pillai @ Velusamy.



W.P(MD)No.3627 of 2024

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7. With this liberty to the petitioner to approach the first respondent and with the aforesaid directions to the first respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Tahsildar,
Aathoor Taluk,
Dindigul District.



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W.P(MD)No.3627 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.3627 of 2024

19.02.2024