



W.P.(MD) No.5062 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5062 of 2023
and
W.M.P.(MD) Nos.4749 and 4751 of 2023**

R.Karuppaiah

... Petitioner

-vs-

1.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

2.The Firka Surveyor,
Madandai Village,
Paramakudi Taluk,
Ramnad District.

3.The Village Administrative Officer,
Madandai Village,
Paramakudi Taluk,
Ramnad District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent vide proceedings dated 24.02.2023 in file No.2023/0105/27/222909 and consequently directing the first respondent herein to grant patta in favour of the



W.P.(MD) No.5062 of 2024

petitioner in S.No.96/29 situated at Gowripatti Village, Madandai Group, Paramakudi Taluk, on the basis of sale deed dated 26.12.2022 vide Doc.No.6508/2022 on the file of the Sub-Registrar, Paramakudi within the time stipulated by this Court.

For Petitioner : Mr.N.Sathiswaran for
M/s.C.Jeganathan
For Respondents : Mr.P.Thilakkumar,
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This writ petition is filed challenging the order passed by the first respondent vide proceedings dated 24.02.2023 in file No. 2023/0105/27/222909 and to direct the first respondent herein to grant patta in favour of the petitioner in respect of the land in S.No.96/29 situates at Gowripatti Village, Madandai Group, Paramakudi Taluk, on the basis of the sale deed dated 26.12.2022 vide Doc.No.6508/2022 on the file of the Sub-Registrar, Paramakudi.

2. Having purchased the land of an extent of 0.06.00 hectares in Survey No.96/29 of M.Gowripatti Village, Paramakudi Taluk, Ramanathapuram District in the name of Yadavar Sangam represented by him as its President, the petitioner sought for mutation of revenue records vide his application dated 27.01.2023. The Tahsildar, Paramakudi Taluk, rejected the application on the ground that a Court case is pending.



W.P.(MD) No.5062 of 2024

Details of the Court case have not been set out in the order of rejection.

It is seen that a writ petition in W.P(MD)No.560 of 2023 which has been filed by one Govindaraj claiming that the petitioner herein is putting up unauthorized construction in the land in question alone was pending as on the date. The pendency of a Public Interest Litigation complaining of unauthorized construction being put up cannot and will not deter the Tahsildar from transferring patta. Request of transfer of patta made on the basis of a valid sale deed cannot be rejected on such flimsy ground. Therefore, the order impugned in the writ petition is set aside. There will be a direction to the Tahsildar, Paramakudi Taluk to transfer patta for Survey No.96/29 of an extent of 0.06.00 hectares in the name of Yadavar Sangam, M.Gowripatti, represented by its present President. The needful shall be done within four weeks from today.

3.This writ petition is allowed accordingly. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

19.08.2024

NCC : Yes/ No
Index : Yes/ No
Internet : Yes
PM



W.P.(MD) No.5062 of 2024

To:

- 1.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.
- 2.The Firka Surveyor,
Madandai Village,
Paramakudi Taluk,
Ramnad District
- 3.The Village Administrative Officer,
Madandai Village,
Paramakudi Taluk,
Ramnad District.



WEB COPY



W.P.(MD) No.5062 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

W.P.(MD) No.5062 of 2023

19.08.2024