



W.P.(MD) No.20668 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20668 of 2024

C.R.Muthukumar

.. Petitioner

Vs.

1.The Tahsildar,
Peraiyur Taluk,
Peraiyur, Madurai District.

2.S.R.Kesavaraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to issue patta in the petitioner's name in respect of his landed Properties about an extent of 1 Acre, 33 cents comprised in Survey Nos.188/1B1 and 188/1B2 at Silaimalaipatti Village, Peraiyur Taluk, Madurai District by considering the petitioner's online application No. 2024/0103/24/331487, dated 02.07.2024.

For Petitioner : Mr.J.Lawrance

For Respondent-1 : Mr.D.S.Nedunchezian
Government Advocate



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ORDER

The above writ petition is filed for a mandamus directing the first respondent to issue patta in the name of the petitioner in respect of the properties measuring an extent of 1 Acre 33 cents comprised in Survey Nos.188/1B1 and 188/1B2 of Silaimalaipatti Village, Peraiyur Taluk, Madurai District.

2. The petitioner would submit that the properties in question originally belonged to one Ravi Kalsi. Ravi Kalsi sold the properties to one N.Manikandan and S.Karthick Raja, from whom the petitioner had purchased the property on 01.04.2024. From the date of his purchase, he has been in possession by cultivating the lands.

3. The petitioner had submitted an online application for mutation of patta with necessary documents on 02.07.2024. He was under the impression that he would be called for an enquiry and the revenue records would be mutated in his name. However, he did not get any proper reply from the first respondent. On an enquiry, he was informed



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that the second respondent herein had filed a civil suit in respect of the subject property and other properties against the petitioner's vendor and the same is pending. Therefore, the same application cannot be considered. The petitioner would submit that the second respondent had nothing to do with the property.

4. The second respondent had filed a suit for specific performance against the petitioner's vendor on the basis of general Power of Attorney, dated 27.08.2012 and on an alleged sale receipt. The suit has been filed in the year 2023 to enforce the agreement entered into in the year 2016. However, the second respondent has not obtained a decree in his favour and he is only an agreement holder.

5. Therefore, in the light of the above, the pendency of the suit cannot be cited as a reason to not process the petitioner's application. Therefore, a mandamus is issued to the first respondent to consider the representation of the petitioner, dated 02.07.2024 and pass orders after affording an opportunity to both the parties and giving them a personal



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hearing. The said exercise shall be completed within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs.

30.08.2024

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

abr

To

The Tahsildar,
Peraiyur Taluk,
Peraiyur, Madurai District.



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P.T.ASHA, J.

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