



W.P.(MD) No.19458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19458 of 2024

A.Kalairajan

.. 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 58 Cents in S.No.219/6 and an extent of 36 cents in S.No.219/4 situated at Silaimalaipatti Village, Peraiyur Taluk, Madurai District by considering his Online Application No.2024/0103/24/331498, dated 02.07.2024.

For Petitioner : Mr.J.Lawrance

For Respondent-1 : Mr.P.Thambidurai
Government Advocate



W.P.(MD) No.19458 of 2024

WEB COPY

ORDER

The petitioner's case is that the property measuring an extent of 94 cents comprised in S.Nos.219/6 and 219/4 of Silaimalaipatti Village, Peraiyur, Madurai belonged to one Ravi Kalsi, who had purchased the same under a registered sale deed dated 29.09.2008. The said Ravi Kalsi had got the patta mutated in his name by the first respondent in Patta No. 2046.

2. The said Ravi Kalsi had sold the subject properties to one Mariammal under a registered sale deed dated 02.11.2023 from whom the petitioner had purchased the property under a registered sale deed dated 25.01.2024. When the petitioner had purchased the property, he was informed that once an online application is made for transfer of patta, the patta would automatically be updated in the petitioner's name. Therefore, the petitioner had submitted an application on 02.07.2024 and the same has also been acknowledged on the very same day. The petitioner was under an impression that the first respondent would step-



W.P.(MD) No.19458 of 2024

in to conduct an enquiry and mutate the revenue records in his favour.

However, the same did not happen. Thereafter, on making an enquiry, he was informed that the second respondent had filed a civil suit in respect of the subject properties against the petitioner's predecessor in title Ravi Kalsi and the same was pending before the Court. Therefore, his application could not be considered.

3. The petitioner's contention is that the second respondent has no connection with the schedule mentioned property. The suit in question is a suit for specific performance filed by the second respondent against the said Ravi Kalsi to execute the sale deed in his favour in respect of the lands now in question as well as the other properties.

4. Considering the fact that the second respondent is only an agreement holder whose right to have a sale deed executed in his favour in respect of the properties is yet to be decided and who has no title to the property as on date, the first respondent is directed to consider the petitioner's online application dated 02.07.2024 and pass orders, after



W.P.(MD) No.19458 of 2024

issuing notice to the second respondent. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed. No costs.

14.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Tahsildar,
Peraiyur Taluk,
Peraiyur, Madurai District.



WEB COPY



W.P.(MD) No.19458 of 2024

P.T.ASHA, J.

abr

W.P.(MD) No.19458 of 2024

Dated: 14.08.2024