



W.P.(MD) No.20474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20474 of 2024

Radhakrishnan

.. Petitioner

Vs.

- 1.The Tahsildar,
Thirumayam Taluk Office,
Thirumayam,
Pudukottai District.
- 2.The Deputy Tahsildar,
Office of the Deputy Tahsildar,
Thirumayam Taluk Office,
Thirumayam,
Pudukottai District.
- 3.The Revenue Inspector,
Kottar Range,
Nandhanallurpatty,
Thirumayam P.S
Pudukottai District.
- 4.The Village Administrative Officer,
Lempalakudi Village,
Thirumayam,
Pudukottai District.



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5.L.Subramanian

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent herein to transfer the patta in respect of the properties comprised in (1)370/9A, (2)358/2B, (3)358/4, (4)358/6, (5)359/10, (6)359/4, (7)360/2, (8)360/9, (9)361/1, (10)361/3 (11)368/3 (12)368/5A and (13)368/9 situated at Lempalakudu Village, Thirumayam Taluk, Pudukkottai District, based on the petitioner online application No. 0332204023191 dated 29.03.2023 into his name within the time stipulated by this Court.

For Petitioner	:Mr.A.Shajahan
For R1 to R4	:Mr.D.S.Nedunchezian Government Advocate

ORDER

This writ petition is filed for a writ of Mandamus to direct the first respondent to transfer the patta in respect of the properties comprised in (1)370/9A, (2)358/2B, (3)358/4, (4)358/6, (5)359/10, (6)359/4, (7)360/2, (8)360/9, (9)361/1, (10)361/3 (11)368/3 (12)368/5A and (13)368/9 situated at Lempalakudu Village, Thirumayam Taluk, Pudukkottai District, based on the petitioner's online application No.0332204023191



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dated 29.03.2023 in his name, within the time stipulated by this Court.

2.The case of the petitioner is that the property comprised in the aforesaid survey numbers, originally belonged to his mother viz., Alaguammai, who executed a registered Will dated 09.09.2002 in his favour in respect of the aforesaid survey numbers. Pursuant to which, he is the absolute owner of the aforesaid properties. In respect of the aforesaid survey numbers, patta stood in the name of his mother. Therefore, the petitioner sent an application through online to the first respondent seeking transfer of patta in his name and the said application was registered. Since the first respondent has not taken any action, he sent various reminders. So far no action has been taken. Hence, the writ petition.

3.In such circumstances, the first respondent viz., Subramanian has given an objection for transferring the patta in the petitioner's name, as several suits are pending with regard to the aforesaid properties. In order to know about the rights of the fifth respondent in his property, he made

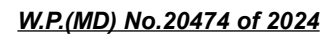


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an application before the first respondent on 03.05.2023. Pursuant to which, the first respondent issued proceedings vide Mu Mu/A4/3082/2023, dated 13.05.2023 stating that the suit is pending. The properties, which are mentioned in the pending suits are not the petitioner's properties. In the year 2022, the petitioner's mother died. After the death of the petitioner's mother, the respondents have not taken any steps. Hence, the present writ petition is filed.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.

5.Although the request has been rejected, the respondents received the information under RTI Act. It is seen that the order is not a speaking order and the rejection is only on the basis of the civil suit pending. It is the contention of the petitioner that the property in respect of which an application of transfer of patta has been made is not the subject matter of the suit.



7. Wit the above direction, this Writ Petition stands allowed. No costs.

29.08.2024

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



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P.T.ASHA, J.
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To

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Thirumayam Taluk Office,
Thirumayam,
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