



W.P.(MD) No.20808 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20808 of 2024

and

W.M.P.(MD) Nos.17628 and 17629 of 2024

Karpagavalli

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

2.The Tahsildar,
Thiruvadanai,
Ramanathapuram.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the impugned order passed under proceeding No.2024/0103/27/192059 dated 19.08.2024 passed by the second respondent and to quash the same as illegal, and further direct the second respondent to issue patta in the name of the petitioner as per the partition dated 26.02.2005.

For Petitioner : Mr.J.Annie Infanta



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For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

For the reasons best known to the second respondent, the impugned order has been passed refusing to grant patta to the petitioner while the other coparceners under the very same partition deed has been granted separate pattas.

2. The sum and substance of the petitioner's case is that the property in question viz., S.No.405/38 was purchased by her husband Late. Natarajathevar and on his demise on 30.09.2014, the property devolved on her and her six children. They had entered into an unregistered partition deed on 26.02.2005. All of them had applied for the mutation of the patta in their names in respect of the shares allotted to them. The petitioner had also made an application and all her children except her son viz., Tamilarasan had given their no objection. The second respondent had chosen to decline the transfer of patta solely relying upon the objection given by the petitioner's son Tamilarasan and the impugned order does not even give any reasons whatsoever for rejection, except for



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stating that an objection has been received from one of the legal heirs.

The second respondent has failed to appreciate that the patta has been granted to others, who are also parties to the partition deed. Therefore, once the partition deed is admitted by the legal heirs, they cannot object to the patta being granted to the petitioner, who has also been allotted share under the very same partition deed.

3. In the result, the impugned order suffers from total non-application of mind and therefore, this Court sets aside the same and issues a direction to the respondents to issue patta to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is allowed. No costs. consequently, connected miscellaneous petitions are closed.

03.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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P.T.ASHA, J.

abr

To

1.The District Collector,
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2.The Tahsildar,
Thiruvadanai,
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