



W.P.(MD) No.23386 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23386 of 2024

and

W.M.P(MD)Nos.19787 & 19788 of 2024

1.V.Renuka

2.A.Dhandapani

.. Petitioners

Vs.

1.The Tahsildar,
Dindigul East Taluk,
Dindigul.

2.The Zonal Deputy Tahsildar,
Dindigul East Taluk,
Dindigul.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent, dated 10.05.2024 in File No.2024/0103/13/310036 and quash the same and consequent by direct the respondents to grant patta to the petitioners for the lands in Survey No. 601/1 measuring 0.34.00 acres.



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For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Challenging the order passed by the 2nd respondent, dated 10.05.2024 in and by which the request for grant of patta has been rejected and consequently seeking grant of patta, the petitioner is before this Court.

2. It is the case of the petitioner that the lands measuring an extent of 0.34.00 ares in Survey No.601/1, Thotanuthu village, Dindigul East Taluk belong to one Kumarakudumban. He was issued with patta in Patta No.275 and all the revenue records including UDR 'A' register stood in his name. The said Kumarakudumban had 3 daughters, namely Periyakkal, Lakshmi and Ramayi, of which Periyakkal died on 30.11.2007 leaving Ponnamal, Paalamalai and Adaikkan as legal heirs. Of these three, Paalamalai died on 13.11.2012 leaving behind one Mariyammal as her legal heir. Lakshmi had no issues and the said



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Ramayi had three daughters, namely Ammasi, Ponnammal and Kanniyappan. On 01.06.1984, the said Kumarakudumban had passed away.

3. The said Lakshmi, daughter of Kumarakudumban had executed a power of attorney in favour of one Meenal in respect of 84 cents. Based on this power, the said Meenal had sold 600 sq.ft in favour of one Rajavel under Document No.2015/2013. This sale has been effected after the said Lakshmi had cancelled the power in favour of Meenal vide document no.36/2011.

4. Thereafter, the petitioners have purchased 82 cents land in the aforesaid survey number from all the legal heirs of Kumarakudumban including Lakshmi under a registered sale deed, dated 17.04.2015. The sale deed was kept pending on the ground of deficit stamp duty. This was paid and the documents were returned on 15.05.2015. Meanwhile, the said Meenal power agent of Lakshmi had filed a suit for permanent injunction against the petitioners in O.S.No.118 of 2018 and ultimately,



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the parties had compromised and the suit was dismissed as settled out of Court by judgment and decree, dated 15.02.2022. Thereafter, the petitioners had submitted an application for transfer of patta from the name of Kumarakudumban to the petitioners. The same has been rejected by an order, dated 10.05.2024 on the ground that it is a conditional patta. Challenging the same, the petitioner is before this Court.

5. When the matter came up for admission, a question was posed to the learned Additional Government Pleader as to whether the lands were assigned lands and if so, he has to produce the order showing the assignment and the condition that has been so violated. There was no documents to prove the same. A perusal of the patta filed along with the petition issued in the name of Kumarakudumban clearly shows that it is a regular patta issued under Section 10(1) of the Act. That being the case, the rejection is absolutely without any jurisdiction and there is a non-application of mind on the part of the 2nd respondent.



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6. In view of the above, the impugned order, dated 10.05.2024 is set aside and the matter is remitted back to the 2nd respondent for considering the matter afresh. The 2nd respondent is directed to pass a speaking order stating which condition has been violated by the petitioner. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs.

01.10.2024

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

1.The Tahsildar,
Dindigul East Taluk,
Dindigul.

2.The Zonal Deputy Tahsildar,
Dindigul East Taluk,
Dindigul.



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P.T.ASHA, J.

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