



W.P.(MD) No.25711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.25711 of 2024**

**and**

**W.M.P(MD)No.21794 of 2024**

Raman

.. Petitioner

Vs.

1.The District Revenue Officer,  
Madurai,  
Madurai District.

2.The Revenue Divisional Officer,  
Usilampatty,  
Madurai District.

3.The Tahsildar,  
Usilampatty Taluk,  
Madurai District.

4.Paraman

5.Veerammal

6.Nachaar

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to call for the impugned orders of the 1<sup>st</sup> respondent / The District Revenue Officer in 24.08.2021 vide Nee.Mu.No.36339/2015/G5 and quash the same as illegal the consequentially direct the respondents 1 to 3 to cancel the 10(1) chitta issued by the 3<sup>rd</sup> respondent and The Tahsildar, dated 09.03.2023 in favour of dead persons.

For Petitioner : Mr.R.Rajaraman

For R1 – R3 : Mr.P.Thambidurai  
Government Advocate

### **ORDER**

This writ petition is filed to quash the order of the 1<sup>st</sup> respondent / The District Revenue Officer, dated 24.08.2021 in Nee.Mu.No. 36339/2015/G5 and consequently, direct the respondents 1 to 3 to cancel the 10(1) chitta issued by the 3<sup>rd</sup> respondent and the Tahsildar, dated 09.03.2023 in favour of dead persons.

2. The challenge to the patta transfer order is on the ground that it has been transferred in the name of dead persons and on the ground that suits were pending in respect of the property. A suit in O.S.No.69 of 2022



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for declaration to declare the documents as null and void in respect of the petition mentioned properties and another suit for a similar relief with reference to another document were pending. Further in a suit for injunction in O.S.No.44 of 2012 which was dismissed for default, an application for restoration in I.A.No.3 of 2022 was pending. During the pendency of these suits, the 3<sup>rd</sup> respondent has hurriedly transferred the patta in the name of Kamachidevar, Andidevar and Perumaldevar , all whom are dead.

3. Heard both sides.

4. Since the patta has been transferred in favour of the dead persons and as civil suits are pending, the patta transfer order has to be set aside. Accordingly, the order of the 1<sup>st</sup> respondent, dated 24.08.2021 is set aside and the matter is remitted back to the file of the 1<sup>st</sup> respondent to consider afresh after hearing the petitioner's objections and thereafter, pass orders within a period of two (2) months from the date of receipt of copy of this order.



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5. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

**28.10.2024**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The District Revenue Officer,  
Madurai,  
Madurai District.
- 2.The Revenue Divisional Officer,  
Usilampatty,  
Madurai District.
- 3.The Tahsildar,  
Usilampatty Taluk,  
Madurai District.



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**P.T.ASHA, J.**

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