



W.P.(MD) No.25710 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25710 of 2024

and

W.M.P(MD)No.21792 of 2024

C.Meiyar

.. Petitioner

Vs.

1.The Tahsildar,
Pudukkottai Taluk,
Pudukkottai.

2.Vellachamy

.. 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 order in Na.Ka.No. A1/180/2024, dated 27.09.2024 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to issue Patta in respect of in old S.No.900/2 and 900/, New S.No.900/6 situated at Vadavalam Village, Alangudi Taluk, Pudukkottai District in favour of petitioner and other legal heirs.

For Petitioner : Mr.H.Arumugam



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For R1 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the order passed by the 1st respondent, dated 27.09.2024 and consequently to direct the 1st respondent to issue Patta in respect of in old S.No.900/2 and 900/, New S.No.900/6 situated at Vadavalam Village, Alangudi Taluk, Pudukkottai District in favour of petitioner and other legal heirs.

2. A very novel reason has been introduced for rejecting the request of the petitioner for transfer of patta. The short facts proceeding the filing of the above writ petition is herein below:

The lands comprised in Survey No.900/6 measuring 13 cents belong to the petitioner's great great grandfather, namely Lakshmana Konar. He had 3 sons, namely Aranga Konar, Veerappa Konar and Kalinga Konar. Veerappa Konar and Kalinga Konar had no male issues and only had 2 daughters each. The great grandfather of the petitioner, namely Aranga Konar had 3 sons, namely Kalinga Konar, Veerappa



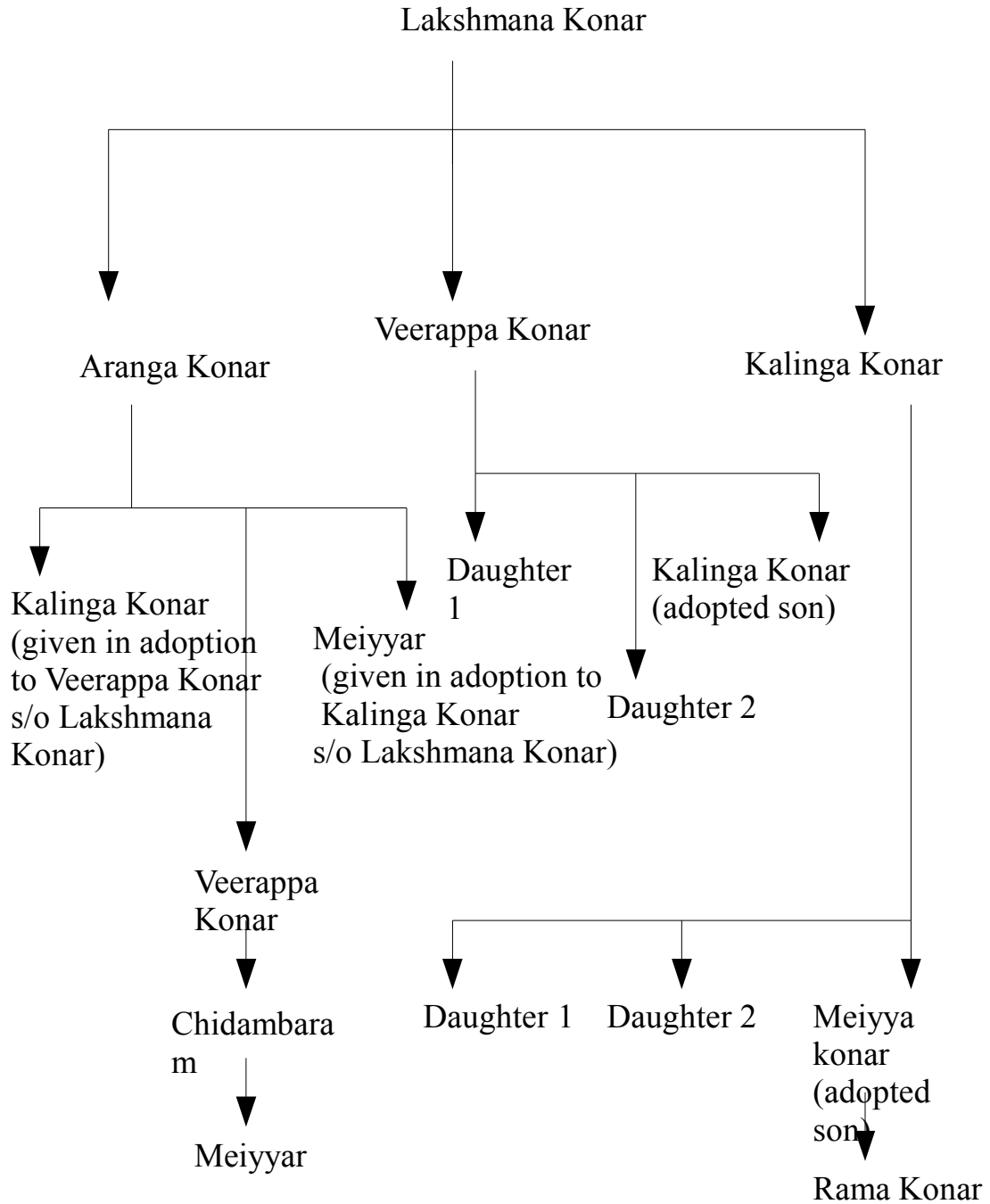
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Konar and Meiyya Konar. The said Veerappa Konar is the petitioner's grandfather whose only son was Chidamdaram, the petitioner's father. Aranga Konar's son Kalinga Konar was adopted by his paternal uncle Veerappa Konar. The said Kalinga Konar had a son, namely Rasu Konar, the father of the 2nd respondent herein. The other son of Aranga Konar, namely Meiyya Konar was adopted by Kalinga Konar, the 3rd son of Lakshmana Konar. He had a son Rama Konar and he is not concerned with the dispute on hand. A genealogy and the tracing of the sales effected in respect of the lands is hereinbelow set out:



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3. Tracing of sale of property measuring 13 cents:

(i) Kalinga Konar adopted son of Veerappa Konar and his son Rasu Konar who are the predecessor in title of 2nd respondent sells 8 cents in Old S.No.900/3 and vacant land in Survey No.902 measuring 9 cents to petitioner's grandfather Veerappa Konar and his brother Meiyya Konar who was given in adoption to Kalinga Konar s/o Lakshmana Konar.

(ii) Rasu Konar s/o Kalinga Konar given in adoption to Veerappa Konar sells 5 cents to petitioner's father Chidambaram.

4. Kalinga Konar s/o Veerappa Konar and his son Rasu Konar who are the predecessor in title of the 2nd respondent had sold an extent of 8 cents in Old Survey No.900/3 and the vacant land in Survey No.900/2 measuring 9 cents in favour of the petitioner's grand-father Veerappa Konar and his brother Meiyya Konar, who had been given in adoption to Kalinga Konar s/o Lakshmana Konar under a registered deed, dated 01.01.1959. Thereafter, Rasu Konar s/o Kalinga Konar sold 5 cents in Survey No.900/3 to the petitioner's father, namely Chidambaram under a



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registered sale deed, dated 23.08.1975. Therefore, the petitioner's father is the absolute owner of 5 cents and joint owner along with his uncle Meiyya Konar in respect of 8 cents in Old Survey No.900/3. Survey Nos. 900/2 & 900/3 later got changed as Survey No.900/6, however mutation was not effected and patta stood in the name of Rasu Konar. Though the property was sold by the predecessor of the 2nd respondent under 2 registered sale deeds, 'A' register stood in the name of Meiyya Konar who is a co-sharer along with petitioner's father. The petitioner therefore made an application for transfer of patta based on the above sale deeds. Since no action was taken, he had filed W.P(MD)No.20691 of 2024 and on 30.08.2024, this Court was pleased to direct to direct the 1st respondent herein and pass orders on merits. After receiving the order, the 1st respondent has passed the impugned order in which the reason for the rejection is that the petitioner's father had not purchased the property from the original pattadhar, namely Meiyya Konar, but from the current pattadhar Rasu Konar. Aggrieved by the same, the petitioner is before this Court.



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5. The absolute non-application of mind on the part of the authority is evident from the fact that the 1st respondent has totally failed to appreciate that the petitioner seeks transfer of patta on the basis of the purchase of the property by his father from the said Rasu Konar of his share. Further the patta stood in the name of Rasu Konar and transfer of patta is sought on the basis of the purchase by the petitioner from Rasu Konar. Further, though the property was purchased jointly by Meiyya Konar and the petitioner's grandfather under a registered sale deed, dated 01.01.1959, patta was not mutated and remained in the name of Rasu Konar, another brother of the petitioner's grandfather Veerappa Konar. It is not the contention of the respondent that the said Rasu Konar has no right to the property. Therefore, in these circumstances, the rejection is baseless. Hence, the impugned order, dated 27.09.2024 is set aside and the matter is remitted back to the 1st respondent for considering the application of the petitioner afresh and pass orders within a period of three (3) months from the date of receipt of copy of this order.



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

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Tahsildar,
Pudukkottai Taluk,
Pudukkottai.



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P.T.ASHA, J.

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