



W.P.(MD)No.28990 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P(MD).No.28990 of 2024
and
W.M.P(MD)No.24549 of 2024

Karthikeyan

... Petitioner

Vs

The Tahsildar,
Thanjavur Taluk,
Thanjavur.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, thereby call for the records of the respondent in Application ID.2024/0103/21/444054 dated 21.09.2024 dated 21.09.2024 and quash the same as arbitrary and illegal and in consequence thereof transfer the patta for the S.No.276/3 Punjai 1.15 acre of Nanjikottai Village, Thanjavur Taluk and District in favour of the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.M.Muthumanikkam
Government Advocate



W.P.(MD)No.28990 of 2024

WEB COPY

ORDER

This writ petition is filed challenging the order of the respondent rejecting the petitioner's application dated 21.09.2024, for transfer of patta with respect to the land in S.No.276/3, Punjai 1.15 acre of Nanjikottai Village, Thanjavur Taluk and District.

2. The petitioner claims title to the property under the will dated 20.01.2015, of one Kathari executed in his favour. The said Kathari died on 10.11.2015, and after his demise, the Will came into operation. The petitioner, therefore, applied for patta to the respondents for the subject land on 09.09.2024 but the same was rejected vide the impugned order dated 21.09.2024. Aggrieved by the order, the petitioner filed the writ petition for the above relief.

3. Learned counsel for the petitioner submitted that the impugned order dated 21.09.2024, was passed in violation of the principles of natural justice, in as much as, no opportunity of hearing was given to the petitioner



W.P.(MD)No.28990 of 2024

as contemplated under Section 10 of the Patta Passbook Act, 1983. Learned counsel for the petitioner therefore submits that the impugned order deserved to be set aside.

4. From a reading of the impugned order, it is seen that the only reason cited for rejecting the petitioner's application was that he had not produced the legal heirship certificate from the pattathars. The impugned order is cryptic and it is lucid that the procedure contemplated under Section 10 of the Patta Passbook Act, was not followed.

5. As the violation of provisions of Section 10 of Patta Passbook Act and the principles of natural justice are writ large on the face of the impugned order, the same is unsustainable. The impugned order dated 21.09.2024, is hence set aside. The matter is therefore remitted to the respondent for fresh consideration. The respondent shall pass orders strictly in compliance with Section 10 of the Patta Passbook Act, within a period of 12 weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.(MD)No.28990 of 2024

6. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition stands closed.

04.12.2024

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

To

The Tahsildar, Thanjavur Taluk, Thanjavur.



WEB COPY



W.P.(MD)No.28990 of 2024

N.MALA, J.

pnn

W.P(MD).No.28990 of 2024
and
W.M.P(MD)No.24549 of 2024

04.12.2024