



W.P.No.21433 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.21433 of 2025

Kavitha

: Petitioner

Vs.

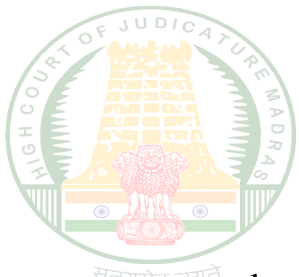
1.The District Collector,
Perambalur District.

2.The Tahsildar,
Perambalur Taluk & District.

3.T.Sezhian @ Poovai Sezhian

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 28.02.2025 in Na.Ka.No.A2/5993/2024 and quash the same on the ground of gross violation of the principles of natural justice and consequently direct the respondents 1 & 2 herein to cancel the patta that is issued in favour of the third respondent herein and to restore back the patta in the name of the petitioner, within a time frame fixed by this Court and pass



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orders.
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For Petitioner : Mr.M.S.Umesh
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 and R2

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the Respondent No.3 is dispensed with.

2. The present writ petition is filed challenging the impugned order dated 28.02.2025 passed by the second respondent, on the short ground that the same is in violation of principles of natural justice.

3. It is submitted by the petitioner that the petitioner purchased the property comprised in S.F.No.22/1A measuring an extent of A.c.4.10 cents out of A.C.4.60 cents from the third respondent vide registered sale deed dated 12.02.2001 in Doc.No.302/2001 before SRO, Perambalur. It is stated that petitioner has been in possession and enjoyment of the subject property and



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cultivating crops. While so, the third respondent demanded the petitioner to re-convey the subject property back to him. Since the petitioner refused to do so, third respondent interfered with the peaceful possession of the said property. Hence the petitioner filed a suit in OS No.147 of 2005 before the District Munsif Court, Ariyalur for permanent injunction against the third respondent. The learned Judge, by judgment and decree dated 09.10.2020 decreed the said suit as prayed for. Aggrieved by the same, the third respondent filed an appeal in A.S.No.23/2020 before the Principal Sub Court, Ariyalur. The appellate court, by judgment and decree dated 22.10.2024 allowed the said appeal. Challenging the order passed by the appellate court, the petitioner filed a second appeal in SA No.147 of 2025 before this Court. In the said second appeal, this Court granted interim injunction in CMP No.4287 of 2025 against the third respondent from alienating the subject property. While so, the third respondent had taken out an application before the second respondent for mutation of patta in his favour, in respect of the subject property. The second respondent, without issuing notice to the petitioner, issued patta in favour of the third respondent on 28.02.2025. Challenging the same, the petitioner has filed the present writ petition.



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4. It is submitted by the learned counsel for the petitioner that the above name change/transfer in the patta, in favour of the third respondent, in respect of the subject property was carried out without even putting the petitioner on notice, despite the fact that there is a second appeal pending, in respect of the subject property. Thus the impugned order is made in violation of principles of natural justice and would request that the matter may be remitted back to the second respondent for re-consideration.

5. Learned Special Government Pleader for the respondents 1 and 2 would submit that the petitioner along with the third respondent would be called for enquiry and orders would be passed afresh, keeping in view the pendency of the second appeal and issuance of patta in the name of the third respondent, in respect of the subject property, during pendency of second appeal, which was agreed to by the learned counsel for the petitioner.

6. In view thereof, the impugned order dated 28.02.2025 is set aside. The matter is remitted back to the second respondent to consider afresh. The second respondent shall conduct an enquiry with the petitioner as well as third



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respondent and pass orders afresh, keeping in view the pendency of the second appeal and issuance of patta in the name of the third respondent, in respect of the subject property, during pendency of second appeal. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.

7. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

18.06.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

1.The District Collector,
Perambalur District.

2.The Tahsildar,
Perambalur Taluk & District.



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MOHAMMED SHAFFIQ, J.

mrn

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