



W.P. No.30363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.30363 of 2025

1.Ganesa Moorthy

2. Pavithra

3.Ashok Kumar

4. Malarvizhi

Petitioner(s)

Vs

1.The Tahsildar,
Kinathukadavu Taluk,
Coimbatore District.

2.Sridhar

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 15.06.2025 in TR No. 2025/ 0103/ 12/703131TR passed by the 1st respondent transferring the patta in favour of the 2nd respondent in patta No. 2794 , relating to the properties comprised in S.No. 126/2C, 127/2C, 70/2 in Mettubavi Village, Kinathukadavu Taluk and quash the same and consequently direct the 1st respondent to restore the patta in favour of the petitioners in patta bearing No. 2533 and also restore the patta in favour of the 1st petitioner in patta bearing No. 2448.

For Petitioner(s)

: Mr.T.Gowthaman
Senior Counsel
for Mr.P.Kavin Prabhu

For Respondent(s)

: Mr.A.Selvendran



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Special Government Pleader

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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 2nd respondent is dispensed with.

2. The present writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 15.06.2025 whereby the 1st respondent has transferred the patta in favour of 2nd respondent in Patta No.2794 in respect of two properties comprised in Survey No.126/2C, 127/2C, 70/2, situated at Mettubavi Village, Kinathukadavu Taluk.

3. It is submitted by the learned Senior Counsel for petitioners that one Mylathal was the owner of the property and her title was also decreed in O.S.No.230 of 2011 vide judgment and decree dated 23.09.2014 by the District Munsif, Pollachi. It is stated that petitioner is not aware of any appeal pending against the above Suit and has attained finality. 1st petitioner purchased the property comprised in Survey No.70/2 from said Mylathal vide sale deed dated 14.10.2024 registered as Document No.11097 of 2024. Petitioners 1 to 4 had



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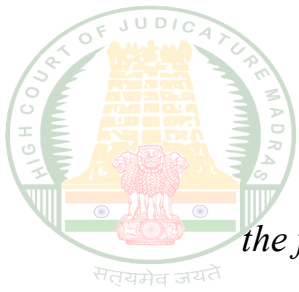
purchased the properties comprised in Survey Nos.126/2C and 127/2C from the

WEB said Mylathal vide Document No.11098 of 2024 on the same day. Thereafter, petitioners mutated the revenue records including patta bearing No.2448 in the name of 1st petitioner and Patta No.2533 in the names of petitioners 1 to 4 in respect of the subject properties. It is submitted by the learned counsel for petitioners that the impugned order came to be passed pursuant to the directions of this Court in a writ petition filed by the 2nd respondent in W.P.No.33967 of 2024, challenging the transfer of patta in favour of 2nd respondent therein viz., Mylathal, in respect of the subject properties with the following prayer:

“The Writ petition is filed to call for the records relating to the impugned proceedings of the 1st respondent vide T.R.No.2023/0103/12/438676TR dated 22.02.2023 transferring patta in favour of the 2nd respondent vide patta No.1820 relates to the properties comprised in S.No.126/2C, 127/2C, 70/2 at Mettubavi Village, Kinathukaduavu Taluk, Coimbatore Taluk and quash the same as illegal and unconstitutional.”

3.1. In the aforesaid writ petition, this Court vide order dated 20.11.2024 passed the following orders:

“2. It is the case of the petitioner that the impugned order has been passed without notice to the petitioner, who has been shown as the original patta holder. It is also informed by the learned counsel for the petitioner that a suit in O.S.No.704 of 2012, is pending on



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the file of the Principal District Court, Coimbatore.

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3. Considering the above, the impugned order is quashed. The 1st respondent, after due notice to the petitioner and the 2nd respondent or any other interested persons, shall conduct an enquiry and restore Patta No.357 in favour of the petitioner. In case of a rejection, speaking order shall be passed. All the issues including the issue with reference to O.S.No.704 of 2012, shall be raised before the 1st respondent, during enquiry and the same shall be considered by the 1st respondent. The said exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order.”

3.2. It is submitted by the learned counsel for petitioners that Mylathal may have no right over the property on the date on which the above writ petition came to be filed in view of sale having been effected in favour of the petitioner. He would submit that the Court was not informed of the fact that there was a Suit wherein Mylathal title has been declared by way of decree and judgment dated 23.09.2014 in O.S.No.230 of 2011. In any view, he would submit that the impugned proceedings came to be passed without even issuing notice to the petitioners who are the present Pattadars in respect of the subject property and thus suffers from gross violation of principles of natural justice.



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4. Learned Senior Counsel for petitioner would also submit that respondents may pass appropriate orders afresh after conducting enquiry in respect of patta relating to subject properties. Apprehensions were expressed of possibility of alienation on the basis of patta alleged to have been erroneously issued to 2nd respondent.

5. In view thereof, writ petition stands disposed of. The impugned order dated 15.06.2025 is set-aside. It is open to the petitioner to submit any protest petition in case the subject properties are sought to be alienated. The 1st respondent shall conduct enquiry with regard to patta in relation to subject properties and pass appropriate orders in accordance with law after issuing notice to petitioners, 2nd respondent and other interested parties, if any, within a period of 16 weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order. No costs.

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Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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To:
The Tahsildar,
Kinathukadavu Taluk,
Coimbatore District.

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