



WEB COPY

W.P.No.34796 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34796 of 2019 and
WMP.No.35559 of 2019

P.Rengaswami

... Petitioner

Vs.

1.The Tahsildar,
Harur Taluk, Dharmapuri District.

2.The Revenue Inspector,
Teerthamalai Firka, Harur Taluk, Dharmapuri District.

3.Kalaivani

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the records relating to the
impugned Notice of the 1st respondent in Na.Ka.1653/19/B3 dated
11/2019 signed on 19.11.2019 and to quash the same

For Petitioner : Mr.M.Raja Sekhar



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For Respondents

For R1 & 2 : Mr.S.Rajesh,
Government Advocate

For R3 : Mr.T.Panchatsaran

ORDER

This writ petition has been filed challenging the notice issued by the first respondent dated 19.11.2019 thereby calling upon the petitioner to attend enquiry on the application submitted by the third respondent for change of patta.

2. The property comprised in survey no.16/2D-Dry extent of 0.13 ac. Assessment 0.07, survey No.26/2-dry extent 1.17 ac. Assessment 0.59, survey No.26/7-dry extent 3.19 ac. Assessment 1/54, survey no.43/9B dry extent 0.48 ac. Assessment 0.48, survey No.46/3B-dry extent 2.36 ac. Assessment 1.45, totally to an extent of 7 acres 33 cents in Dharmapuri R.D, Harur S.R.D, Harur Taluk, Kattavedichampatti Village were bequethed in favour of the third respondent by the Will which was challenged by the petitioner's elder brother and also for declaration of title in respect of the said properties in OS.No.612 of 1993 which was decreed in favour of the petitioner's elder brother. Aggrieved by the same,

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the petitioner preferred appeal suit in AS.No.51 of 1997 and the same was also dismissed. Once again aggrieved by the said judgment and decree, the petitioner preferred second appeal in SA.No.477 of 2005. Subsequently it was dismissed for default and restoration petition is pending. In the meanwhile, on the strength of the Will, the third respondent submitted application for transfer of patta in respect of the said properties. The third respondent who is being the legal heir of the petitioner's elder brother i.e. Perumal submitted application for transfer of patta by claiming title over the subject property through the Will. Since the petitioner is a counter party, the first respondent issued notice to the petitioner to conduct enquiry. Therefore, the third respondent is very much entitled to get patta through the said Will since already the subject property was bequeathed in favour of her father. Thereafter her father executed Will in her favour. Therefore, this Court finds no infirmity or illegality in the impugned notice issued by the first respondent on the application submitted by the third respondent for transfer of patta.

3. In view of the above, the first respondent is directed to issue fresh notice to the petitioner and the third respondent and pass orders on the application submitted by the third respondent for transfer of patta

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after giving opportunity of hearing to the petitioner as well as the third respondent, within a period of twelve weeks from the date of receipt of this order.

4. With the above direction, this writ petition is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.10.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

1.The Tahsildar,
Harur Taluk, Dharmapuri District.

2.The Revenue Inspector,
Teerthamalai Firka, Harur Taluk, Dharmapuri District.



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G.K.ILANTHIRAIYAN, J.

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