



W.P.(MD)No.1473 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.1473 of 2025
and
W.M.P(MD)Nos.1044 & 1045 of 2025

1.I.Kumar
2.P.Suruli Andavar
3.A.Mohamed Meeran

.... Petitioners

/Vs./

1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

2.The Deputy Tahsildar,
Uthamapalayam,
Taluk Office,
Theni District.

3.Thaiyammal @ Mohamed Fathima
4.Mohamed Fathima

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned online order passed by the second respondent in rejecting the petitioner's patta application in application No.



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2024/0103/25/120786 dated 17.12.2024 and quash the same as illegal and consequently, directing the respondent to transfer the patta in the names of the petitioner's in respect of the property situated in Survey No. 2121 to an extent of 1 acre 88 cents, Uthamapalayam Taluk, Theni District in accordance with law.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 & R2	: Mr.B.Saravanan Additional Government Pleader
For R3 & R4	: Mr.D.Saravanan

ORDER

The petitioner challenges the impugned order passed by the second respondent rejecting the petitioners' patta application dated 17.12.2024.

2. With the consent of the learned counsel for the both sides, the writ petition is taken up for final disposal.

3. The petitioners' main grievance is that their application for patta has been summarily rejected by the Deputy Tahsildar in and by the impugned order without even giving an opportunity to the petitioner and without adequate reasons being assigned for passing the impugned order.



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4. I have gone through the impugned order that there is no reference to any opportunity given to the petitioner or the contesting 3 & 4 respondents. The rejection has been passed in the online mode. Therefore, it is clear that no opportunity has been given to the petitioners to even present their claims before the respondents seeking patta.

5. The learned counsel for the respondents 3 & 4 would submit that at their instance, the appeal suit is also pending. However, considering the fact that the suit has been decreed in favour of the petitioners and the mere pendency of appeal would not be an impediment for the authorities to consider the application for patta.

6. In view of the above, on this limited ground alone, the impugned order is deserves to be set aside and accordingly, the impugned order is set aside. The matter is remitted to the first respondent to consider the petitioners' patta application dated 17.12.2024 after affording fair opportunity by way of personal hearing to the petitioner and the respondents 3 & 4 as well as any other interested party in the subject



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matter. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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26.02.2025

To

- 1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 2.The Deputy Tahsildar,
Uthamapalayam,
Taluk Office,
Theni District.



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P.B. BALAJI, J.

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Order made in
W.P.(MD)No.1473 of 2025

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26.02.2025