



W.P.(MD)No.3215 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3215 of 2025

R.Muthukrishnan

... Petitioner

.Vs.

1.The Zonal Deputy Tahsildar,
Thiruvengadam (13) Taluk,
Tenkasi (34) District.

2.Perumalsamy

3.Seeniraj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to pass orders on the application made by the petitioner on 29.01.2024 and transfer the patta in the name of the petitioner in respect of the punja land in S.No.929 measuring 0.79.5 hectare, in Sevalkulam Village, Thiruvengadam Taluk, Tenkasi District.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1



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ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the first respondent to pass orders on the application of the petitioner dated 29.01.2024 pertaining to the transfer of patta in the name of the petitioner in respect of the punja land in S.No.929, measuring 0.79.5 hectare in Sevalkulam Village, Thiruvengadam Taluk, Tenkasi District.

2.Considering the limited scope of the relief prayed for in the writ petition, by consent of parties, the writ petition itself is taken up for final disposal.

3.The petitioner has made an online application on 29.01.2024 for issuance of patta pursuant to the purchase of the subject lands in and by a sale deed dated 28.12.2023 from the second respondent. The specific contention of the petitioner is that the patta stands in the name of the petitioner's vendor. However, citing the pendency of a civil suit in O.S.No.144 of 2024 on the file of the Sub Court, Sankarankovil, at the instance of the third respondent, the representation of the petitioner has been kept in cold storage.



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4.The learned counsel for the petitioner would submit that there is no impediment for the respondents to act on the representation of the petitioner, since admittedly, there is no interim order restraining any such act on the part of the respondents and hence, he would submit that there is no embargo for the respondents to conduct an enquiry and pass orders on the petitioner's application dated 29.01.2024.

5.The learned Additional Government Pleader appearing for the official respondent would submit that only since the suit has been filed for declaration of title and the issue would have to be finally settled by the civil Court, the first respondent has not proceeded to enquire into the petitioner's application.

6.However, considering the fact that the petitioner's vendor has a valid patta in Patta No.929 and it is only a request on behalf of the petitioner to transfer the patta to his name pursuant to his purchase vide sale deed dated 28.12.2023 and admittedly, there being no interim restrained order passed by the Sub Court, Sankarankovil, the first respondent can proceed to conduct an enquiry and pass orders subject



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to providing an opportunity to the third respondent before conducting the enquiry and passing final orders.

7.In view of the above, this Writ Petition is disposed of with a direction to the first respondent to enquire into the applicaiton of the petitioner, dated 29.01.2024 for transfer of patta, after hearing the petitioner as well as the third respondent and pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.
No costs.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
sjj
To

04.02.2025

The Zonal Deputy Tahsildar,
Thiruvengadam (13) Taluk,
Tenkasi (34) District.



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P.B.BALAJI,J.

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