



W.P.(MD)No.4052 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

W.P.(MD)No.4052 of 2023

Ariff.K

... Petitioner

/Vs./

1. The Revenue Divisional Officer,  
Dindigul, Dindigul District.

2. The Thasildar  
Taluk Office, Natham,  
Dindigul District.

3. Mumtaj

4. Abuthahir K. S.

5. Althaf Jahir Hussian K.S.

6. Mohamed Idrish K. S.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 1<sup>st</sup> respondent vide his proceeding in Na.Ka.No. 3505/2002/A4 dated 6.12.2022 and quash the same and issue direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to issue a G.R.Patta to the petitioner's name in respect of Current G.R.No. 405/15 in old Survey No. 106/4A 4B, Natham Village, Natham Taluk, Dindigul District.



W.P.(MD)No.4052 of 2023

WEB COPY

For Petitioner : Mr.A.Shajahan

For Respondents : Mr.B.Saravanan  
Additional Government Pleader for R1&2

: Mr.S.Vinayak for R3 to 6

### **ORDER**

The petitioner challenges the impugned order of the first respondent, refusing to effect mutation of patta name in the name of the petitioner, and instead directing the petitioner to approach the competent Civil Court.

2. I have heard Mr.A.Shajahan, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader for the official respondents and Mr.S.Vinayak, learned counsel for the respondents 3 to 6.

3. The specific case of the petitioner is that the properties were originally belonging to his grandfather, viz., late. Karanthamalai Rawther, who had purchased the same way back in the year 1946 and 1951, by registered documents. Subsequent to the demise of the grandfather of the



W.P.(MD)No.4052 of 2023

WEB COPY

petitioner, on 28.02.1985, the family members orally partitioned the properties and the house property which is subject matter of this writ petition was allotted to the petitioner's father, viz., Kamal Batcha. The petitioner's father subsequently executed a registered settlement deed in favour of the writ petitioner in document No.2251/2019, on the file of the Sub Registrar Office, Natham. The petitioner has also demolished the old building and put up a new construction and he has been in absolute possession and enjoyment of the same, paying taxes and all public charges, including the electricity service connection obtained in his name.

4. The petitioner, on noticing that as per UDR scheme, the third respondent wrongly mentioned his paternal uncle's name, viz., Late Syed Ibrahim in the patta, petitioner made an application to the third respondent on 19.02.2018 seeking transfer of patta in his name, based on the registered settlement deed in his favour. The legal heirs of his paternal uncle viz., Late Syed Ibrahim, who are the respondents 3 to 6, also appeared before the second respondent and expressed no objection for patta being issued in the name of the petitioner. The second



W.P.(MD)No.4052 of 2023

WEB COPY

respondent recommended to the first respondent for transfer of patta in the name of the petitioner. However, in and by the impugned order, the first respondent has taken note of the fact that the patta has been wrongly mutated in the name of Syed Ibrahim, the petitioner has to work out his remedy before the competent civil Court. The impugned order has been passed, without considering the no objection expressed by the legal heirs of Syed Ibrahim, who are the respondents 3 to 6, the only persons who could have had any objection for mutation of patta in the name of the petitioner and even the recommendations of the Tashildar, after conducting due enquiry dated 18.04.2018, have also been totally ignored by the first respondent. The first respondent has directed the petitioner to approach the Civil Court without any just sufficient cause.

5. The learned counsel for the respondents 4 to 6, who are the legal heirs of the paternal uncle of the petitioner also is present and reiterates that the legal heirs have no objection for transfer of patta in the name of the petitioner.



W.P.(MD)No.4052 of 2023

WEB COPY

6. Considering the material and documentary evidence available entitling the petitioner to transfer of patta, the impugned order shall be passed without proper application of mind and the same is liable to be set aside.

7. In fine, the impugned order passed by the first respondent is set aside and the matter is remitted to the first respondent and to transfer patta in the name of the petitioner, based on the recommendations of the second respondent in Na.Ka.No.1092/2018/A1 dated 18.04.2018. The said exercise shall be carried out within a period of four (4) weeks from the date of receipt a copy of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Index : Yes / No  
NCC : Yes / No  
LS

**27.02.2025**



WEB COPY



W.P.(MD)No.4052 of 2023

**P.B. BALAJI, J.**

LS

**TO:-**

1. The Revenue Divisional Officer,  
Dindigul,  
Dindigul District.
2. The Thasildar  
Taluk Office,  
Natham,  
Dindigul District.

Order made in  
W.P.(MD)No.4052 of 2023

Dated:  
27.02.2025