



W.P.(MD)No.5766 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5766 of 2025

Paulraj

... Petitioner

Vs

1. The Tahsildar,
Rajapalayam Taluk Office,
Virudhunagar District.

2. Mangayarkarasi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in O.Mu.A5/RDR/37/2025 dated 20.01.2025 on the file of the Tahsildar, Rajapalayam Taluk, the Respondent No.1, and quash the same and direct the respondent No.1, to process the application for the transfer of patta and issue patta in the petitioners favour without any further delay.

For Petitioner : Mr.Y.Prakash

For Respondents : Ms.S.Jeyapriya
Government Advcoate



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ORDER

The petitioner seeks issuance of a writ of Certiorarified Mandamus to quash the impugned order passed by the 1st respondent on 20.01.2025.

2.Heard the learned counsel on either side and perused the materials available on record.

3.The petitioner has made a request for transfer of patta in his name, based on the registered sale deed. The said application was made on 06.01.2025. However, the 1st respondent, in and by the impugned order, dated 20.01.2025, has rejected the petitioner's application citing caveat petition filed by the 2nd respondent, who admittedly claims title by way of unregistered sale deed. Mere filing of caveat, especially on the basis of an unregistered sale deed, cannot be a valid ground to refuse consideration of the request for mutation of patta in the registered owner's name. Hence, the impugned order is liable to be set aside.



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4. Accordingly, this writ petition is allowed and the impugned order, dated 20.01.2025 is set aside and the matter is remitted back to the 1st respondent to consider the petitioner's application afresh for issuance of patta, on its own merits and in accordance with law, ignoring the caveat filed by the 2nd respondent, within a period of eight weeks from the date of receipt of copy of the order. No costs.

NCC : Yes / No
Index : Yes / No
PNM

04.03.2025

TO:-

The Tahsildar,
Rajapalayam Taluk Office,
Virudhunagar District.



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P.B. BALAJI, J.

PNM

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