



W.P.(MD)No.8266 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.8266 of 2024
and
W.M.P(MD)Nos.7509 & 7510 of 2024

Selvi

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukkottai.

2.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.

3.The Deputy Zonal Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.

... 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 Rejection Order issued by the third respondent vide his order dated 18.02.2023 and quash the same as illegal and unconstitutional and consequently direct the respondent herein to



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issue the patta to the petitioner on the basis of patta transfer application No.1332213100110221- Appl No.2023/0103/22/231788 dated 18.01.2023.

For Petitioner : Mr.B.Jameelarasu
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petitioner is one of the legal heirs of one Thirugnanam, who was owning the subject land. After his death, the writ petitioner and the other heirs have partitioned the estate of said Thirugnanam by an oral partition in the presence of the Panchayatars. The said oral partition has been reduced in writing by way of written instrument on a subsequent date. Based on the said partition deed, the petitioner has approached the authorities for mutation of patta in his name. The said application of the petitioner has been rejected by the Zonal Deputy Tahsildar, Kulathur Taluk, Pudukkottai District on 18.02.2023 in the online platform stating that the title deeds have not been produced.



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2. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. It is the specific case of the petitioner that the subject lands are ancestral in nature and therefore, he does not possess any title deeds to substantiate his claim and the mutation was sought only based on the patta, which was already issued to his father, Thirugnanam and the subsequent partition entered into between his heirs.

4. I do not see any reasoned order passed by the Zonal Deputy Tahsildar. Further no hearing was also given to the petitioner to substantiate his claim and the rejection made in the online mode is also not in compliance with the provisions of the Patta Passbook Act. I am therefore, constrained to set aside the impugned order of the third respondent and remit the matter to the third respondent for fresh consideration. The third respondent shall issue notice to the interested parties and also hear the objections, if any, before passing any final order in the application made by the petitioner.



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5. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are also closed.

Index : Yes / No
NCC : Yes / No
am

06.02.2025

TO:-

- 1.The Revenue Divisional Officer,
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Pudukkottai.
- 2.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.
- 3.The Deputy Zonal Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.8266 of 2024

Dated:
06.02.2025