



W.P.(MD)No.9391 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.9391 of 2023

and

WMP(MD)No.8401 of 2023

1. R.Balakrishnan
2. Sakunthala
3. Revathi

.... Petitioners

/Vs/

1. The District Collector,
Madurai District.
2. The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai.
3. The Tahsildar,
Thiruparankundram Taluk,
Madurai District.
4. The President,
Sadhu Seva Samajam,
Sri Vivekanda Swomigal Madalayam,
Reg.No.21/1944, No.76,
Tirupparamkundram Road,
Madurai Town and District.
(R4 is Impleaded vide court order
dated 26.06.2024 in WMP(MD)No. 986 of 2024
in WP(MD)No. 9391 of 2023 by GRSJ)

.... Respondents



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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 order in Koppu No. 2023/0105/24/475411 dated 10.03.2023 on the file of the 3rd respondent and consequently to direct the 3rd respondent to grant of Separate Patta to the petitioners jointly in respect of the Property comprised at present in S.No. 40/67A1, co-related to Re-Survey S.No. 40/1A1A1, having an extent about 1.46 Acre situated at Thanakkankulam Village, Thiruparankundram Taluk, Madurai District.

For Petitioner : Mr. M.M.Iqbal

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioners seek to quash the order of the Tahsildar rejecting the petitioner's application for transfer of patta, dated 06.02.2023. The Tahsildar has rejected the petitioner's application on the ground that cases are pending before the Court.

2. I have heard Mr.M.M.Iqbal, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 3.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that admittedly, the impugned order has



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been passed in a summary and cryptic fashion without affording an opportunity to the petitioners to present their cases or even meet the objection regarding pendency of the Court case.

4. According to the petitioner, the case which is referred to by the respondents pertains to some other property, not concerning the petitioners property. In the light of the above, the impugned order is set aside and the matter is remitted to the third respondent for fresh consideration of the petitioners' application for separate patta, after conducting due enquiry, giving fair opportunity to the parties interested and pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

5. In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.9391 of 2023

Dated:
24.04.2025