



**W.P.(MD) No.10906 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:25.02.2025**

**CORAM:**

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

**W.P.(MD) No.10906 of 2024**

**and**

**W.M.P(MD)No.9713 of 2024**

Abdul Basith

... Petitioner

vs.

1.The District Collector,  
District Collectorate Office,  
Ramanathapuram District.

2.The Thasildhar,  
Thasildhar Office,  
Paramakudi Taluk,  
Ramanathapuram District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 06.04.2024 in application No.2024/0153/27/000424 on the file of the second respondent and quash the same and consequently, direct the second respondent to issue patta in favour of the petitioner.

For Petitioner : Mr.K.Yasar Arafath

For Respondents : Mr.B.Saravanan

Additional Government Pleader



**W.P.(MD) No.10906 of 2024**

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**ORDER**

The petitioner challenges the impugned order passed by the second respondent in application No.2024/0153/27/000424, dated 06.04.2024.

2.Heard the learned counsel on either side.

3.The case of the petitioner is that the grandmother of the petitioner has gifted the property to his father Naina Mohamed on 15.11.2004, in and by Hiba, which is confirmed by the Hiba deed duly notarized before an advocate. Based on the said Hiba deed, the petitioner made an application for transfer of patta in his favour. However, the application has been rejected on the grounds of the petitioner not being able to produce the parent/linked documents. The said order is challenged by the writ petitioner in the instant writ petition.

4.Admittedly, it is seen that the petitioner's father had revenue records mutated in his name and subsequently, in and by the Hiba, he had gifted the property to the petitioner and other legal heirs. It is trite and settled law that the



**W.P.(MD) No.10906 of 2024**

**WEB COPY** Hiba is not required to be registered under the provisions of the Indian Registration Act and therefore, the reasons for rejecting the request of the petitioner that the Hiba is unregistered are totally unsustainable.

5.In view of the above, this Writ Petition is allowed and the impugned order, dated 06.04.2024 is set aside. The matter is remitted to the second respondent for fresh consideration of the petitioner's request for patta and the second respondent shall consider the Hiba, on which the petitioner places reliance upon and all other relevant documents and pass consider orders on merits, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

**25.02.2025**

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The District Collector,  
District Collectorate Office,  
Ramanathapuram District.



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**W.P.(MD) No.10906 of 2024**

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

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2.The Thasildhar,  
Thasildhar Office,  
Paramakudi Taluk,  
Ramanathapuram District.

W.P.(MD) No.10906 of 2024

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