



W.P.(MD)No.11757 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.11757 of 2025

and

W.M.P.(MD)No.8675 of 2025

K.Nisha

: Petitioner

Vs.

The Zonal Deputy Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the respondent's impugned rejection of the petitioner's application No.2025/0153/21/001618 rejected on 04.04.2025 for issuance of patta and quash the same as devoid of merits and directing the respondent to grant patta in the names of legal heirs of deceased late.S.Zarith Mansoor in Town Surey Land Register for the property in TSLR No.2502/1, Block No.59, Ward No.6 in Palavathankattalai Seenivasanagar, Kumbakonam Taluk, Thanjavur.



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For Petitioner : Mr.A.Haja Mohideen
For Respondent : Mrs.S.Jeyapriya,
Government Advocate

ORDER

Today, in obedience of the orders passes by me on 24.04.2025, the Zonal Deputy Tahsildar, who passed the impugned order is present. She sentence that the petitioner was given an opportunity and orally enquired with before the online rejection order came to be passed. However, on being informed about the specific orders passed by this Court on multiple occasions directing the Tahsildar and Zonal Deputy Tahsildar, not to pass summary and cryptic rejection orders and instead the applications should be enquired, giving fair opportunity to the applicants and thereafter any order be it positive or negative shall be passed, assigning valid reasons and only thereafter, the said order can be uploaded in the online site, the Zonal Deputy Tahsildar pleaded apology. Her apology is accepted.

2.In any event, considering the order, summarily rejecting the petitioner's application, I am inclined to set aside the impugned order and remand the matter to the respondent for fresh



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consideration, to be decided afresh, after giving a fair opportunity by way of personal hearing to the petitioner as well as petitioner's mother in law Faritha Begum.

3. Learned Counsel for the petitioner would submit that the mother-in-law of the petitioner was a party to a civil suit in O.S.No. 278 of 2021, where the civil Court in and by judgment and decree dated 13.09.2022 found the petitioner as well as her mother-in-law as the legal heirs of the deceased Zarith Mansoor. Therefore, he would contend that the third respondent may not be necessary party in the proceedings initiated by the petitioner.

4. Learned Counsel for the petitioner further states that he is not suppressing the right of her mother-in-law and only seeks mutation in the joint names of the petitioner's minor son and the mother-in-law namely Faritha Begum. In any event, no prejudice would be caused to the petitioner, if the respondent gives a fair opportunity to the petitioner as well as Faritha Begum before passing orders on the petitioner's application.

5. In the light of the above, the Writ Petition is allowed and the impugned order is set aside and the matter is remitted to the



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respondent for fresh consideration of the Application No.

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2025/0153/21/001618, on merits, after affording an opportunity as indicated hereinabove, within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29.04.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To
The Zonal Deputy Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur District.



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P.B.BALAJI., J.

MR

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