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W.P.(MD) No.14017 of 2024

SENTHILKUMAR RAMAMOORTHY.,J

The matter is listed upon being mentioned by the learned counsel for the second respondent. He submits that Mr.S.Sivathilagar appeared on behalf of Mr.K.Suresh Kumar for R2.

2. Registry is directed to reissue the order after mentioning the name of Mr.S.Sivathilagar for Mr.K.Suresh Kumar for R2.

20.11.2025

apd



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.11.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14017 of 2024

and

WMP (MD) Nos.12287 & 12288 of 2024

P.Natarajan

... Petitioner

Vs.

1. The Deputy Tahsildar,
Madurai North,
Madurai.

2. M.Jeyakumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order of the 1st respondent in D.R. No.2024/0153/24/002795TR dated 08.04.2024 and quash the same and consequentially direct the 1st respondent to enter the name of the petitioner in the Town Survey Register and issue patta in respect of 9 cents in T.S. No.25, Ward 10, Block 010, at Madurai North, Madurai based upon the registered sale deed in Doc. No.27 of 1999 dated 07.01.1999.

For Petitioner : Mr. H.Arumugam

For Respondents :Mr.K.Balasubramani
Spl. Government Pleader for R1
Mr.K.Suresh Kumar for R2



ORDER

WEB COPY A patta transfer order dated 08.04.2024 is challenged primarily on the ground of contravention of principles of natural justice.

2. Learned counsel for the petitioner submits that the petitioner purchased the property from one Leelavathi Ammal under sale deed dated 07.01.1999 bearing Document No.27 of 1999. Thereafter, it is stated that the petitioner has been in possession and enjoyment of the property. Learned counsel submits that the impugned order was issued without notice to the petitioner and that such order cannot be sustained for such reason.

3. Learned counsel for the second respondent refutes the above contention by asserting title to the property under an earlier sale deed executed on 20.10.1995. He submits that such sale deed was executed by the duly constituted agent Kondappan in favour of Mariammal, who, in turn conveyed the property to the second respondent. He also submits that a civil suit has been filed by the second respondent against the petitioner in O.S.No.50 of 2025 on the file of the III Additional District Munsif Court, Madurai. On account of a title dispute existing between the petitioner and the second respondent, learned counsel submits that a remand would serve no purpose. Instead, he submits that the status of the revenue records as on date be maintained pending



adjudication by the jurisdictional civil court.

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4. Learned Special Government Pleader appears on behalf of the first respondent. He submits that notice was not issued either to the petitioner or to the erstwhile pattadhar Sethuramaswami Pillai.

5. Section 10 of the Tamil Nadu Patta Passbook Act read with Rules framed thereunder requires notice to be issued to persons with an interest in the relevant property. The revenue record reflected the name of Sethuramaswami Pillai. It is likely that the said pattadhar is no more. If so, notice should have been issued to the legal heirs. In the absence of any indication that notice was issued either to the pattadhar or the legal heirs of the pattadhar, the order cannot be sustained. Therefore, the order is set aside and, as a consequence, it is directed that the status of revenue records be restored to the position that prevailed earlier by recording the name of Sethuramaswami Pillai.

6. Ordinarily, I would have remanded the matter to the Tahsildar for reconsideration. However, it appears from the contentions of the rival parties that a title dispute exists and is the subject of proceedings before the jurisdiction of civil court. In those circumstances, a remand would not serve any purpose.



7. Therefore, this writ petition is disposed of on the following terms:

(i) The revenue officials are directed to restore the patta in the name of Sethuramaswami Pillai, pending adjudication of the dispute by the jurisdictional civil court;

(ii) Based on the verdict of the civil court, leave is granted to the parties to reapply to the Tahsildar for patta transfer;

(iii) Both the petitioner and the second respondent state that the property would not be alienated pending adjudication of the dispute by the civil court. These statements are recorded.

(iv) The learned III Additional District Munsif, Madurai is directed to dispose of O.S.No.50 of 2025 preferably within six months from the date of receipt of a copy of this order. Both parties are directed to extend full cooperation to ensure that the suit is disposed of within the time limit mentioned above.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



18.11.2025

NCC :No
Internet :Yes
Index :No
PKN

To
The Deputy Tahsildar,
Madurai North,
Madurai.



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SENTHILKUMAR RAMAMOORTHY, J.

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