



W.P.(MD) No.15642 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.15642 of 2025

S.Syed Saleem

... Petitioner

Vs.

The Tahsildar,
Madurai East Taluk,
Madurai.

... Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent order in Na.Ka.No.87/2025/Aa1 dated 07.03.2025 and set aside the same and consequently, direct the respondent to issue patta in the petitioner and his co-purchasers name to his property in S.No.50/3B, 50/3C at Angadimangalam Bit 1, Madurai East Taluk, Madurai District.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondent : Mr.D.S.Nedunchezian
Government Advocate



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ORDER

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This writ petition is filed challenging the order passed by the respondent dismissing the application filed by the petitioner seeking transfer of patta in respect of the property situated in Survey No.50/3B, 50/3C, Angadimangalam Bit 1, Madurai East Taluk, Madurai District.

2.Heard the arguments of Mr.M.Mohamed Sherbudeen, learned counsel appearing for the petitioner and Mr.D.S.Nedunchezian, learned Additional Government Pleader appearing for the respondents. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that he purchased the above mentioned property under registered Sale Deeds dated 31.01.2020 and 20.02.2020 from one Shanmugavadivu. Thereafter, he submitted an application for issuance of patta before the respondent. The said application was rejected by the respondent vide impugned order dated 07.03.2025 on the ground that in respect of the very same property a civil suit is pending on the file of the Sub Court, Melur, in O.S.No.95 of 2020

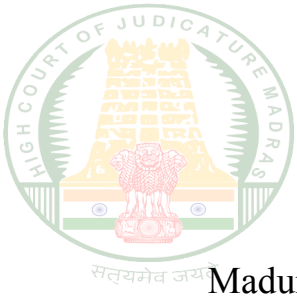


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and the second appeal is also pending before this Court in S.A(MD) SR No.74899 of 2024.

4.The learned counsel appearing for the petitioner would submit that the petitioner purchased the subject property under valid sale deeds and the first respondent committed an error in dismissing the application for mutation of revenue records citing the pendency of the litigation. It is seen from the averments found in the affidavit filed by the petitioner that he filed a suit for declaration of title and injunction in respect of the subject property in O.S.No.95 of 2010 on the file of the Sub Court, Melur against one Aathiveranan and others and the said suit is pending. Therefore, it is clear that there is a cloud over the title of the petitioner. It is also seen from the affidavit and the typed set of papers that the above said Aathiveranan and Pongasamy filed a suit in O.S.No.28 of 2015, on the file of District Munsif Court, Madurai, seeking specific performance in respect of the very same property against the mother of the petitioner's vendor, Sundaram Ammal and one Thiyagarajan. The said suit was dismissed by the trial Court and challenging the same, an appeal was filed in A.S.No.89 of 2017, on the file of 2nd Additional Sub Court,



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Madurai and the same was also dismissed. Now, the second appeal is pending before this court.

5.In such circumstances, the third respondent is justified in passing the impugned order rejecting the application submitted by the petitioner seeking mutation of revenue records by relegating the parties to the civil court. Therefore, I do not find any reason to interfere with the impugned order. Accordingly, this Writ Petition stands dismissed. No costs.

10.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

The Tahsildar,
Madurai East Taluk,
Madurai.



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S.SOUNTHAR,J

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