



W.P(MD)No.18377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

Writ Petition(MD)No.18377 of 2024

and

W.M.P(MD)Nos.15638 & 15639 of 2024

A.Mayalagan

..Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai District.

4.The Zonal Deputy Tahsildar,
Madurai South (12) Division,
Madurai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus calling for the
records relating to the impugned order passed by the 4th respondent in file No.
2024/0103/24/329650 dated 25.06.2024 and set aside the same and



W.P(MD)No.18377 of 2024

consequently, directing the 4th respondent to take on the file the petitioner's petition for mutation of patta in Survey No.9/1A1A situated at Ramankulam Village, Madurai South Taluk, Madurai District comprising in Patta No.418 and decide the same on merits and dispose it within the stipulated period by this Court.

For Petitioner : Ms.M.Maria Vinola

For Respondents : Mr.S.Kameswaran
Govt. Advocate

ORDER

The petitioner challenges the impugned order of the fourth respondent dated 25.06.2024.

2. Heard Ms.M.Maria Vinola, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.

3. It is the specific case of the petitioner that the rejection of the petitioner's application in online mode is for the reason that there is a stay



W.P(MD)No.18377 of 2024

pending. According to the petitioner, there is no civil suit pending as against the petitioner, and much less their being any pendency of the stay application, which is stated as the reason for rejection by the fourth respondent.

4. The learned counsel for the petitioner would therefore, submit that the matter may be remitted back to the fourth respondent for fresh consideration of the petitioner's application on merits and in accordance with law.

5. The learned Government Advocate appearing for the respondents would submit that a writ petition has been filed by one A.Sivasankaran before this Court in W.P.(MD).No.7687 of 2022, where the petitioner herein is arrayed as fifth respondent. The said writ petition came to be disposed of on 22.04.2022 with certain directions.

6. Going through the said order of this Court, I do not find that the application of the petitioner should not be considered or as to the fact that there has been any stay granted by this Court. In fact, this Court had directed the objection of the writ petitioner therein, namely, A.Sivasankaran to be considered before effecting any transfer of revenue of patta in favour of the writ petitioner herein. This Court also directed the first respondent therein, namely,



W.P(MD)No.18377 of 2024

Tahsildar, to conduct an enquiry and pass final order within a period of twelve weeks. When a specific direction has been issued by this Court in the above said W.P.(MD).No.7687 of 2022, by order dated 22.04.2022, without conducting any enquiry, the fourth respondent herein ought not to have rejected the petitioner's application on the ground that there is a stay petition pending. In the light of the earlier dated 22.04.2022 in W.P.(MD).No.7387 of 2022, the fourth respondent ought to have conducted an enquiry after affording an opportunity to the writ petitioner therein as well as the writ petitioner herein and one Muthuvel, the fourth respondent in the said writ petition. Without doing so, the petitioner's application for patta ought not to have been rejected that too summarily on the online mode.

7. In view of the above, I am unable to justify the impugned order and the same has to necessarily be set aside.

8. In fine, the writ petition is allowed and the impugned order passed by the fourth respondent in file No.2024/0103/24/329650 dated 25.06.2024 is set aside and the matter is remitted back to the fourth respondent for fresh consideration in terms of the order dated 22.04.2022 made in W.P.(MD).No. 7687 of 2022, after hearing the objections of the writ petitioner therein as well



W.P(MD)No.18377 of 2024

as the writ petitioner herein and the final order has to be passed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petitions are closed.

12.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai District.

4.The Zonal Deputy Tahsildar,
Madurai South (12) Division,
Madurai District.



WEB COPY



W.P(MD)No.18377 of 2024

P.B. BALAJI, J.

skn

Writ Petition(MD)No.18377 of 2024
and
W.M.P(MD)Nos.15638 & 15639 of 2024

12.02.2025