



W.P.(MD) No.2703 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.2703 of 2016

Nagalingam

... Petitioner

VS.

1.The Tahsildar,
Karaikudi Taluk,
Karaikudi, Sivaganga District.

2.The Revenue Divisional Officer (RDO)
Devakkottai,
Sivaganga 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 of the first respondent dated 29.09.2015 in O.Mu.Aa6/10310/2015 consequent to the order of the second respondent dated 15.10.2003 in Na.Ka.A1/4174/2003 and quash the same and also directing the first respondent to grant patta to the petitioner pursuant to his representation dated 18.12.2012 in respect of property bearing Plot No.37 measuring 27.52 cents in Block No."B" in Karaikudi Municipal Limit in Sekkalaikottai Village in



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Karaikudi Taluk, Sivaganga District formed part of Kottaiyur Nattar Estate, Sankarapuram Panchayat, Karaikudi Municipal Limit.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petition has been filed challenging the rejection of the petitioner's application for transfer of patta in his favour. The writ petitioner has traced his title to various registered documents and also the proceedings in the year 1944, where the Court Receiver has been appointed by the competent Court.

2.The learned counsel for the petitioner would further invite my attention to the no objection certificate issued by the Court Receiver in and by letters dated 18.07.2012 in respect of Plot No.37. Despite the said no objection, according to the learned counsel for the petitioner, without any consideration on the merits of the application, the respondents have summarily rejected the application based on the order passed by the Sub Collector, Devakottai dated 15.10.2003.



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3.I have gone through the order dated 29.09.2015 as well as the order of the Sub Collector, Devakottai dated 15.10.2003. As rightly pointed out by the learned counsel for the petitioner, there is no specific reference to the properties in respect of which the petitioner has made the application. The order passed by the first respondent/Tahsildar is cryptic and unsubstantiated and merely based on the ban order passed by the Sub Collector, Devakottai.

4.The learned Additional Government Pleader appearing for the official respondents would also invite my attention to the pending suit and therefore submit that in a similar matter, this Court, in W.P.(MD)No.1158 of 2017, had dismissed the writ petition on the ground that there is a serious dispute with reference to the title and the petitioner therein was directed to approach the civil court and it was held that the writ petition was not maintainable. However, I do not find the ratio laid down in the said case applying to the facts of the present case for the simple reason that insofar as the petitioner's specific properties, there appears to be *prima facie* no objection and the no objection certificates by the Court Receiver also fortify the said contentions of the petitioner.



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5. In the light of the specific no objection certificate issued by the Court Receiver, the respondents would have to examine the request for patta made by the petitioner. I do not find any consideration or application of mind by the respondents in rejecting the application. Hence, I deem it fit to set aside the order.

6. Accordingly, the Writ Petition is allowed and the matter is remitted to the respondents to decide the application of the petitioner afresh, on merits and in accordance with law after affording fair opportunity to the petitioner as well as any other interested parties. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

05.02.2025

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

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To

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P.B.BALAJI, J.

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