

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.4.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9702 of 2015

S.M.Rajagopal

.. Petitioner

Versus

The Tahsildar
Denkanikotta Taluk
Krishnagiri District

..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus directing the respondent to transfer the patta in the name of the petitioner based on the petitioner representation dated 20.8.2014.

For Petitioner : Mr.G.M.Ananthakumar

For Respondent : Mr.S.Gunasekaran
Government Advocate

O R D E R

Writ petition has been filed seeking for issuance of mandamus directing the respondent to transfer patta in the name of the petitioner based on his representation dated 20.8.2014.

2. According to the petitioner, his father owned patta lands in Survey No.60/5. In the said Survey No, some portion of land was gifted for construction of school by his father. The petitioner and his mother was in possession and enjoyment of the remaining land. While so, the Block Development Officer, tried to encroach the property of the petitioner by cutting the Tamarind trees in the land. Therefore, the petitioner has filed a suit for declaration and injunction in O.S.No.269 of 2009 before the District Munsif Court at Denkanikottai. The said suit was decreed ex parte. No steps have been taken by the Block Development Officer to set aside the ex parte decree. Therefore, the petitioner has made a representation on 20.8.2014 to issue patta in his name and mutation of revenue records in the light of the decree dated 15.12.2010. Since no order was passed on the said representation, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. Since the petitioner has obtained an ex parte decree, the respondent is directed to consider the representation dated 20.8.2014 and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner as well as the defendants in the suit in O.S.No.269 of 2009, including the persons, who are likely to be affected by the order to be passed, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, if there is no other legal impediment. The respondent shall also ascertain as to whether any petition has been filed to recall the ex-parte decree or any appeal is pending in this regard, before passing any orders on the representation dated 20.8.2014.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

The Tahsildar
Denkanikotta Taluk
Krishnagiri District

1 cc to Mr.G.M. Ananthakumar, Advocate, sr. 18805
1 cc to Government Pleader, sr. 18746

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W.P.Nos.9702 of 2015

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