

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.26970 of 2013

K.Arumugam

.. Petitioner

Vs.

1.The District Revenue Officer
Tiruvannamalai District
Tiruvannamalai.

2.The Revenue Divisional Officer
Cheyyar 604 407
Tiruvannamalai District.

3.The Tahsildar
Vandavasi Taluk
Vandavasi, Tiruvannamalai District.

4.K.K.Duraisamy Naidu

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to forbear the respondents 1 to 3 from effecting name transfer in the Revenue Records in favour of the fourth respondent or persons claiming under him with respect to the lands measuring 0.96 acres in S.No.383/1, 1.20 acres in S.No.383/2, 0.93 acres in S.No.393/5, 1.93 acres in S.No.393/6 and 2.14 acres in S.No.293/1A, Ulundai Village, Vandavasi Taluk, Tiruvannamalai District, without giving notice and opportunity to the petitioner to put forth his case and without civil court decree declaring that the sale deed dated 21.11.2005 in favour of the petitioner is valid.

For Petitioner : Mr.P.Mani

For Respondent : Mr.S.Gunasekaran - R1 to R3
Government Advocate

Mr. S.Ramachandran - R4

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.P.Mani, learned Counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate, appearing for respondents 1 to 3 and - R1 to R3 and Mr. S.Ramalantran, learned Counsel appearing for the fourth respondent.

3.The petitioner seeks for issuance of a Writ of mandamus to forbear the respondents 1 to 3 from effecting name transfer in the Revenue Records in favour of the fourth respondent or persons claiming under him with respect to the lands measuring 0.96 acres in S.No.383/1, 1.20 acres in S.No.383/2, 0.93 acres in S.No.393/5, 1.93 acres in S.No.393/6 and 2.14 acres in S.No.293/1A, Ulundai Village, Vandavasi Taluk, Tiruvannamalai District, without giving notice and opportunity to the petitioner to put forth his case and without civil court decree declaring that the sale deed dated 21.11.2005 in favour of the petitioner is valid.

4.According to the petitioner, the official respondents should not entertain any application for mutation of the revenue records without notice to the petitioner. In the representation dated 02.09.2013, the petitioner has set out as to why the petitioner should be heard in the matter, if any application is filed by the fourth respondent for name transfer in the patta. It is stated that a Suit filed by the fourth respondent for declaration of title over the same property was dismissed on 05.06.2012 in O.S.No. 38 of 2011, on the file of the Principal District Munsif Court, Vandavasi.

5.In the light of the above, without going into the merits of the case, the third respondent is directed to consider the petitioner's representation dated 02.09.2013, and after issuing notice to the petitioner and the fourth respondent, pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1.The District Revenue Officer
Tiruvannamalai District
Tiruvannamalai.

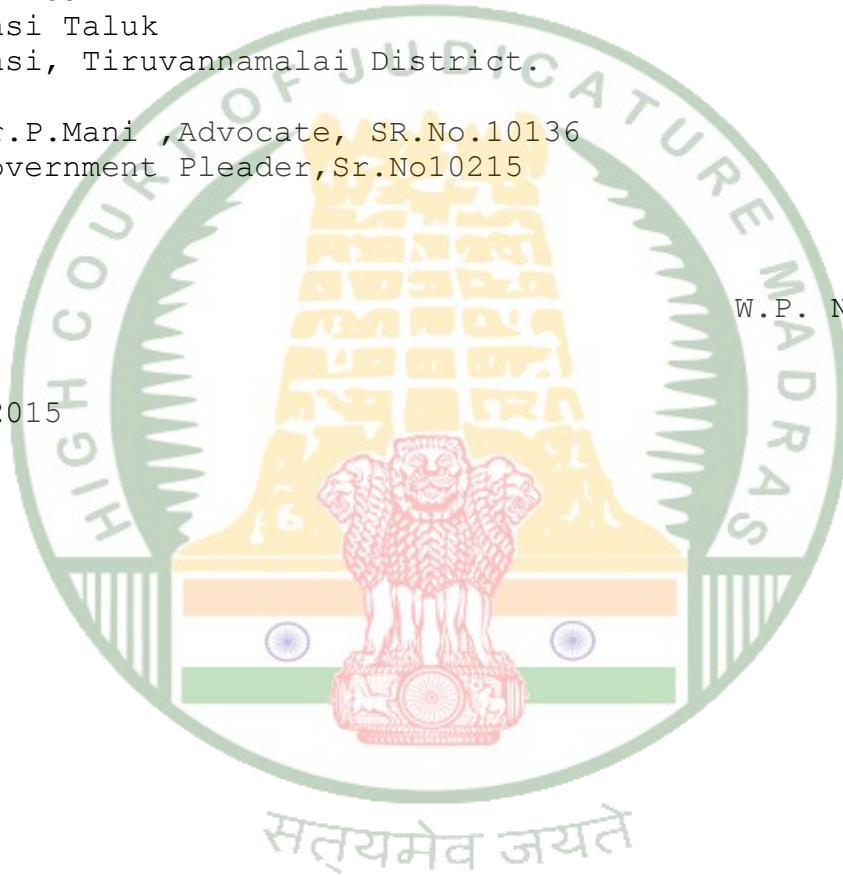
2.The Revenue Divisional Officer
Cheyyar 604 407
Tiruvannamalai District.

3.The Tahsildar
Vandavasi Taluk
Vandavasi, Tiruvannamalai District.

1 cc to Mr.P.Mani ,Advocate, SR.No.10136
1 cc to Government Pleader,Sr.No10215

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pmk.12.3.2015



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