



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17667 of 2015

1.Kasirajan
2.Gunasekaran
3.Kartheesan
4.R.Pounraj

...Petitioners

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Taluk Office,
Theni.

...Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 05.09.2015 and pass appropriate order within the time frame fixed by this Court.

For petitioners	: Mr.Lakshmi Gopinathan for M/s.Polax Legal Solutions
For Respondents	: Mr.S.Kumar, Additional Government Pleader

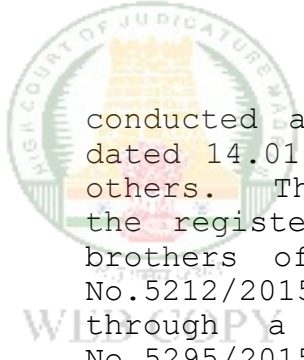
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 05.09.2015 and pass appropriate order within a stipulated time.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the property measuring to an extent of 17 cents in Survey No.1405/3A1, 41 cents in Survey No.1405/5B, 20 cents in Survey No.1405/3A, 2A, belongs to Kandamanaikanur Jamin. One Ramar, Vijayarajan, Dhanalakshmi, Ganeshwari, Suriyalakshmi, Kokilavani, Jayalakshmi, are the legal heirs of the above said Kandamanaikanur jamin. But patta for the said properties was wrongly granted to some third party. Hence, the said Ramar and others filed a petition before the Tahsildhar, Theni to transfer patta in the name of the said Ramar and others. Based on the said petition an enquiry was



conducted and the Tahsildhar in his proceedings Na.Ka.No.6464/2014/A3, dated 14.01.2015 ordered for transfer of patta in the name of Ramar and others. Thereafter, the legal heirs of the Kandamanaikanur Jamin gave the registered power of Attorney to Vijayaraj and Ramar, who are the brothers of the above said legal heirs on 03.08.2015 vide document No.5212/2015. The petitioners had purchased the above said properties, through a registered sale deed, dated 07.08.2015 vide document No.5295/2015. From the said date onwards, the petitioners are in possession and enjoyment of the said property. Thereafter, the petitioners had made a representation before the second respondent on 17.08.2015 for transfer of patta and they have also paid the necessary fees for the same. But the second respondent had not taken any steps for transfer of patta. Once again the petitioners have made a representation, dated 05.09.2015 for the same relief. Since the same was not considered so far, the petitioners have come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioners, without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioners, dated 05.09.2015, and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioners and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Taluk Office,
Theni.

+1CC to M/S.Polax Legal Solutions, SR.No.57714

+1CC to The Special Government Pleader SR.No. 58109

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