



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2015

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THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.19795 of 2015

O.P.Basheer Ahmed

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Court Road,
Kumbakonam,
Thanjavur District.

3.The Thasildar,
Papanasam Taluk Office,
Papanasam,
Thanjavur District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to transfer the patta into the petitioner's name in respect of the house property comprised in Survey No.543/2, 3, 4 and 5 which is a house property situated at Valuthur Village, Papanasam Taluk, Thanjavur District on the basis of the petitioner's representation, dated 05.10.2015 within the time stipulated by this Court.

For petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.S.Kumar,

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents herein to transfer patta in the name of the petitioner in respect of the house property comprised in Survey Nos.543/2, 3, 4 and 5, situated at Valuthur Village, Papanasam Taluk, Thanjavur District on the basis of the petitioner's representation, dated 05.10.2015, 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 petitioner is the absolute owner of the house property comprised in Survey Nos.543/2, 3, 4 and 5 situated at Valuthur Village, Papanasam Taluk and he is in continuous possession and enjoyment of the above said property. While the matter stood thus, during UDR Scheme, the patta in respect of the above said property has been wrongly registered in the name of Mohideen Andavar Pallivasal. The said mistake occurred at the time of making entries under UDR Scheme. The authorities of the said pallivasal has also given a no objection letter, dated 04.06.2009 to issue patta in the name of the petitioner. Based on the same, the petitioner has sent a representation to the Tahsildar on 26.10.2009 enclosing all the required documents. Based on the same, the Tahsildar conducted an enquiry and in pursuance of the same, the Village Administrative Officer verified all the revenue records and gave a statement before the Tahsildar on 10.12.2010 stating that patta can be transferred in the name of the petitioner. Thereafter, the Tahsildar issued proceedings in Na.Ka.No.12153/2010 A4, dated 25.12.2010 addressed to the Revenue Divisional Officer, Kumbakonam and recommended to transfer patta in the name of the petitioner. But subsequently there was no action. Hence, the petitioner has made a representation before the respondents on 05.10.2015 to issue patta in the name of the petitioner. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned Additional Government Pleader submitted that since the mistake had occurred at the time of making entries under U.D.R scheme, the competent authority to rectify the mistake is the District Revenue Officer and hence, a direction may be issued to the Revenue Divisional Officer to forward the papers to the District Revenue Officer, Thanjavur District.

6. In view of the submissions made by the learned Additional Government Pleader, though the District Revenue Officer is not a party to the Writ Petition, since the District Revenue Officer is the competent authority to decide the issue, without going into the merits of the claim made by the petitioner, this Court directs the Revenue Divisional Officer, Thanjavur District to forward the application of the petitioner, dated 05.10.2015 to the District Revenue Officer within a period of two weeks from the date of receipt of this order and on receipt of the same, the District Revenue Officer, Thanjavur District is directed to consider the same 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 thereafter.

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

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Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai-625 023

pm

To

1.The District Collector,
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Office of the Revenue Divisional Officer,
Court Road,
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3.The Thasildar,
Papanasam Taluk Office,
Papanasam,
Thanjavur District.

+1 cc to Mr.B.Jameel Arasu,Advocate, SR No.64176

+1 cc to Special Government Pleader, SR No.64278

W.P (MD) .No.19795 of 2015
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RG.NGM-SS 02.12.2015 3P.6C