



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD).No.301 of 2011

Dharmendrakumar

:Petitioner

vs.

1.The Tahsildar,
Kodaikanal Town,
Kodaikanal Taluk,
Dindigul District.

2.The Village Administrative Officer,
Kodaikanal Town,
Kodaimkanal Taluk,
Dindigul District.

3.S.Selvam
: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the first respondent herein to conduct enquiry in respect of the patta issued in F.H. Patta No.601 alleged to have been issued by the Zonal Deputy Tahsildar, Kodaikanal in favour of the third respondent herein by considering the representation of the petitioner, dated 20.12.2010 by offering adequate opportunity to both the petitioner as well as the third respondent and to pass appropriate orders within a stipulated time as that may be fixed by this Court.

For Petitioner :Mr.A.Saravanan

For R-1 & R-2 :Mr.S.Kumar,
Additional Government Pleader

For R-3 :Mr.P.T.Ramesh Raja

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the first respondent herein to conduct enquiry in respect of the patta issued in F.H. Patta No.601 alleged to have been issued by the Zonal Deputy Tahsildar, Kodaikanal, in favour of the third respondent herein by considering the representation of the petitioner, dated 20.12.2010 by affording adequate opportunity to both the petitioner as well as the third respondent and to pass appropriate orders within a stipulated time.



2. The case of the petitioner is that originally one Rev. Emilio Ugarte S.J., Procurator of the Sacred Heart College, Shenbaganur, Kodaikanal, plotted out the larger extent of lands comprised in R.S.Nos.404/P, 405/P, 406/P and 412/P of Kodaikanal Town, into house sites and obtained approval for the same vide T.P./Dy. D.T.P.(MR) 60/74. In which, plot bearing plot No.20, measuring an extent of 4 cents, comprised in S.No.412, Ugarthe Nagar, Kodaikanal Town, Kodaikanal Taluk, Dindigul District, was purchased by the third respondent herein. The third respondent in turn, sold the said property to one M.Thangadurai by a registered sale deed dated 07.06.1979. The said Thangadurai put up construction over the said land and obtained electricity connection in his name. Subsequent to that, the said Thangadurai sold the said property to one M.A.Selvam by a registered sale deed, dated 26.05.2008 vide document No.1289/2008 in the Sub-Registrar Office, Kodaikanal. Thereafter, the said Selvam sold the said property to the petitioner by a registered sale deed, dated 06.08.2010. Subsequently, patta was also transferred in the name of the petitioner. While the matter stood thus, the third respondent executed a settlement in favour of his wife vide document No.1971/2010. The right of the third respondent in respect of the property in question came to an end in the year 1979 and the third respondent has no right over the above said property. Hence, the petitioner has made representation before the respondents 1 and 2 on 20.12.2010 with regard to the illegal action of the third respondent. Since no action has been taken on the said representation, the petitioner has come forward with this Writ Petition for the above stated relief.

3. The first respondent filed a counter affidavit in which it has been stated as follows:

5. With regard to averments made in Para Nos.9 to 11, it is submitted that during the time of re-survey in Kodaikanal Town in the year 1983 the name of the third respondent was registered as a owner of FH patta No.601 and on the basis of records land revenue was collected on 27.02.2008 and 02.06.2010. Hence question of changing revenue records in favour of 3rd respondent does not arise.

6. In respect of averments made in para No.13, it is submitted that on receipt of the petition received from the petitioner action was taken to sub-divide the area and new patta was issued in favour of the petitioner as per F.H. Patta No.2326. Necessary changes in all Revenue records were also made and no other action is kept pending.

7. It is also submitted that from the available records of our office, prior to patta transfer, patta copy was issued in favour of 3rd respondent. But now the field was sub-divided and new patta was issued to the petitioner on 01.10.2010. Hence, there is no need for taking any steps from this office.



4. From the above, it could be seen that on receipt of the petition sent by the petitioner, action was taken to sub-divide the area and new patta was issued in favour of the petitioner as per F.H. Patta No.2326 and all the revenue records were also made by entering the name of the petitioner.

5. Since the first respondent had acted upon the petition sent by the petitioner, I am of the view that there is no need to pass an order in this Writ Petition. Hence, recording the submission of the first respondent, the Writ Petition is closed. No Costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Kodaikanal Town,
Kodaikanal Taluk,
Dindigul District.

2.The Village Administrative Officer,
Kodaikanal Town,
Kodaimkanal Taluk,
Dindigul District.

Akm/01.09.2015 /3p-3c/

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