

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14947 of 2016

Senniappan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

2.The Tahsildar,
Palladam,
Tiruppur District.

3.S.Palanisamy ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to process the application dated 9.1.2014 seeking to transfer the patta in favour of the petitioner in respect of the land measuring Ac.02-33 cents comprised in Survey No.472/2 of Naranapuram Village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.A.V.Raja
For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to process the application dated 9.1.2014 seeking to transfer the patta in his favour in respect of the land measuring to an extent of Ac.02-33 cents comprised in Survey No.472/2 of Naranapuram Village, Palladam Taluk, Tiruppur District.

2. It is case of the petitioner that he is the owner of the land measuring to an extent of Ac.02-33 cents comprised in Survey No.472/2 of Naranapuram Village, Palladam Taluk,

Tiruppur District. On 11.7.1967, he has been allotted the said property under Natham Nilavari Scheme and pursuant to the same, mutation of title in the revenue records was also effected and patta No.690 was also issued in his favour in respect of the said property. From the date of allotment, the petitioner is in possession and enjoyment of the said property without any hindrance from anybody. While so, due to family circumstances, the petitioner executed a settlement deed dated 23.11.2007 in favour of his son, the third respondent herein and the same was registered as document No.13388. Since the third respondent has not complied with the terms and conditions, which were agreed between the family members, the petitioner decided to cancel the settlement deed and cancelled the same on 3.1.2014 which was registered as document No.57. In the meanwhile, patta has been transferred in favour of the third respondent vide patta No.2278 by the second respondent. Immediately after cancellation of the settlement deed, the petitioner approached the respondents 1 and 2 requesting them to transfer the patta in his name. It is the duty of the respondents 1 and 2 to transfer the patta in favour of the petitioner pursuant to the cancellation deed of settlement which has been executed by him. But, they have not transferred the same in his favour. Finally, the petitioner made an application dated 9.1.2014 to the respondent seeking transfer of patta in his name. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation to the second respondent seeking transfer of patta in his favour in respect of the land measuring Ac.02-33 cents comprised in Survey No.472/2 of Naranapuram Village, Palladam Taluk, Tiruppur District, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same, and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and other necessary parties, if any, within a period of eighty weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the

petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi
To

1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

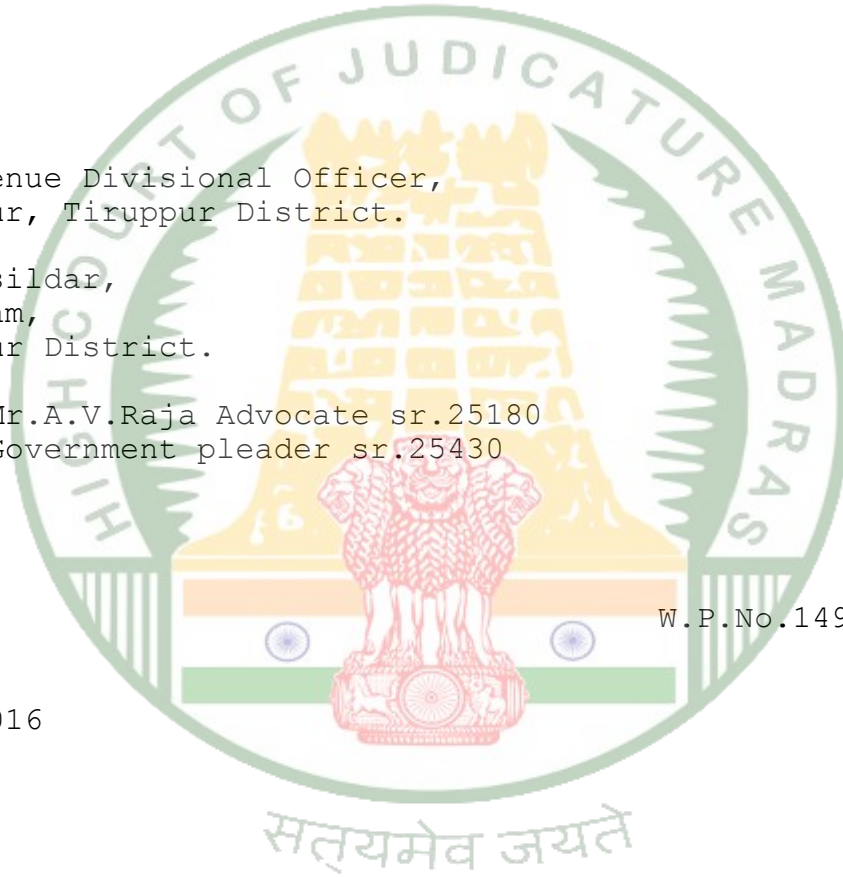
2.The Tahsildar,
Palladam,
Tiruppur District.

+1 cc to Mr.A.V.Raja Advocate sr.25180

+1 cc to Government pleader sr.25430

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