

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15066 of 2016

V.P.Mohan Kumar

... Petitioner

Vs.

The Tahsildar,
Madhukarai Tahsildar Office,
Madhukarai,
Coimbatore District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent to transfer the patta of the property at Malumichampatti Village, Madhukkarai Taluk, Coimbatore in Survey No.568A/5A measuring about 63 cents in favour of the petitioner by considering the representation dated 01.04.2016.

For Petitioner : Mr.R.Shanmugam
For Respondent : Mr.V.S.Ramesh,
Govt. Advocate

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to transfer the patta in respect of the property at Malumichampatti Village, Madhukkarai Taluk, Coimbatore in Survey No.568A/5A measuring to an extent of 63 cents in favour of the petitioner by considering his representation dated 01.04.2016.

2. It is the case of the petitioner that his wife M.Maheshwari and her father late R.Sadhasivam had filed a partition suit in O.S.No.1332 of 1992 before the Principal District Munsif Court, Coimbatore, in respect of the property at Malumichampatti Village, Madhukkarai Taluk, Coimbatore in S.No.568A/5A measuring to an extent of 63 cents. After due contest, the suit was decreed as prayed for. Pursuant to the same, his wife and her father were in continuous possession and peaceful enjoyment of the property. While so, his wife's father R.Sadhasivam died intestate on 04.03.2014. As his wife being the only legal heir of the said R.Sadhasivam, has enjoyed the said property. Subsequently, she settled the property in favour of the petitioner through a settlement deed dated 28.08.2014, which

was registered as Document No.3685 of 2014 on the file of Madukkarai Sub Registrar, Coimbatore District. From the date of settlement, the petitioner has been in continuous possession and enjoyment of the said property. He has also taken steps to transfer the patta in his name, however, the same ended in vain. Finally, he made a representation dated 01.04.2016 to the respondent, seeking transfer of patta in respect of the said property and the same is pending without any progress. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

4. Considering the limited nature of the relief sought for herein, this Court directs the respondent to consider the representation of the petitioner dated 01.04.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to transfer of patta in favour of the petitioner in respect of the property in S.No.568A/5A at Malumichampatti Village, Madhukkarai Taluk, Coimbatore. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Tahsildar,
Madhukarai Tahsildar Office,
Madhukarai, Coimbatore District.

+ 1 cc to The Govt.Pleader High Court, Madras. Sr 25881
+ 1 cc to Mr.S.Saravanan, Advocate Sr 25648

KR/6/6/16

W.P.No.15066 of 2016