

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

**W.P.No.1020 of 2010 and
M.P.No.1 of 2010**

1. K.Mani
2. K.Kasi
3. K.Krishnan

...Petitioners

-Vs-

1. The District Revenue Officer,
Vellore District, Vellore-9.
2. The Revenue Divisional Officer,
Vellore Division, Vellore-9,
3. The Tahsildar,
Vellore Taluk, Vellore.
4. Mrs. Neelaveni
5. P.Sudakar
6. P.Shankar
7. P.Paneerselvam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to re-transfer the pattas in respect of the lands in S.No.51/2D-0-04-5 Acres and S.No.52/4 0.04.5 Ares situated in Virubatchipuram Village, Vellore Taluk to the names of the petitioners herein from the name of the deceased father of the respondents 4 to 7

herein.

For Petitioner	: Mr.M.Kumaraswami
For R1 to R3	: Mr.P.Sanjay Gandhi, AGP
For R4 to R7	: M/s.R.Margabandhu R.Doraisamy

ORDER

The prayer in the writ petition is for a mandamus directing the respondents 1 to 3 to re-transfer patta in respect of the land in S.No.51/2D-0-04-5 Acres and S.No.52/4 0.04.5 Ares situated in Virubatchipuram Village, Vellore Taluk to the names of the petitioners herein from the name of the deceased father of the respondents 4 to 7 herein.

2. Though the petitioner seeks for a mandamus for re-transferring the patta, the learned counsel appearing for the petitioner would submit that in respect of the land, there were civil proceedings and thereafter, pursuant to the order of this Court dated 27.6.2001 in W.P.No.11822 of 2001, the 1st respondent by order dated 06.11.2001 has remanded the matter for reconsideration to the 3rd respondent.

3. The learned counsel for the petitioner further submits that inspite of the order of remand made by the 1st respondent giving suitable directions to the 3rd respondent for re-hearing to decide the issue afresh, till date, no orders have been passed and according to

him, the issue is still pending with the Tahsildar, i.e., the 3rd respondent herein.

4. The learned counsel appearing for respondents 4 to 7 would submit that there were civil proceedings between the parties in respect of the land and based on which, the petitioner has no right to make a claim on the land for re-transfer of patta. However, the learned counsel for the respondents 4 to 7 would further submit that pursuant to the orders of the 1st respondent dated 06.11.2001, whether the Tahsildar has passed any order for reconsidering the issue is not known to the respondents 4 to 7.

5. In view of these factual position and in view of the order dated 06.11.2001 passed by the 1st respondent, the 3rd respondent has to necessarily re-hear the issue and make a fresh decision.

6. Therefore, there shall be a direction to the 3rd respondent to re-hear the issue of re-transfer of the patta on the subject land as has been claimed by the petitioner of course, after giving a reasonable opportunity of bearing heard, to all the parties including the

R.SURESH KUMAR,J.

respondents 4 to 7 and pass a reasoned order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. Writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
 Internet: Yes/No
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17.10.2016

To

1. The District Revenue Officer,
Vellore District, Vellore-9.
2. The Revenue Divisional Officer,
Vellore Division, Vellore-9,
3. The Tahsildar,
Vellore Taluk, Vellore.

W.P.No.1020 of 2010