

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24769 of 2016

Govindaraj

... Petitioner

Vs.

The Tahsildar
Tahsildar Office,
Valappady,
Salem District.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus directing the respondent herein to consider petitioner's representation dated 28.12.2015 and issue patta in favour of the petitioner at the earliest.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims that he is the owner of the lands in S.F.Nos.97/2F, 97/2G, 97/2E & 97/2C in Eripudhur Village, Valappady Taluk, Salem District, which was purchased by him through registered sale deed bearing document No.3434/2014 on 08.09.2014 registered on the file of the Sub Registrar Office, Ayothipattinam, Valappady Taluk, Salem District. The petitioner has submitted a representation to the respondent on 28.12.2015 praying for issuance of patta and since no response is forthcoming, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that though the said application/representation was received by the respondent as early as on 29.12.2015, he neither returned the application nor called upon the petitioner to comply with the certain defects and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondent, seeks time to get necessary instruction as to the non consideration of the petitioner's application/representation.

5. This Court has carefully considered the rival submissions and also perused the materials before this Court.

6. This Court, on more than one occasion, has repeatedly pointed out that the concerned Revenue Officials are not taking any serious steps to dispose of the applications submitted for issuance of patta/transfer of patta/legal heirs certificate and on an earlier occasion, has passed orders in W.P.No.10142 of 2015 dated 08.04.2015 and directed the Secretary to Government, Revenue Department to take appropriate action. Accordingly, the Secretary to Government, Revenue Department, vide Letter No.18294/SS.I(1)/2015-2, dated 26.05.2015, has sent a communication to all the District Collectors, to strictly adhere to the guidelines issued in G.O.(Ms)No.210, Revenue [(SS1(1))] Department, dated 08.07.2011, while disposing of the application for transfer of patta and on failure to comply with the same, to take necessary disciplinary action against the concerned officials and despite such communication, no action has been taken by the respondent in this regard. It is also relevant to extract paragraph Nos.3 and 4 of the said communication:

"3. In this connection, I am to invite your attention to G.O.(Ms) No.210 Revenue [(SS1(1))] Department, dated 08.07.2011, wherein exhaustive guidelines have been issued on petitions relating to name transfer of patta, on the basis of the announcement made by the Hon'ble Chief Minister of Tamil Nadu. In spite of the above well laid guidelines, there seem to be complaints in disposing the applications for name transfer in the patta, as bitterly pointed by the Hon'ble High Court, Madras.

4. Hence, in view of the caustic observations made by the Hon'ble Court, relating to issue name transfer in the patta and in order to avoid such a situation in future, I am to request you to issue strict instructions to all the officers concerned, at Taluk/Division level under the control of the district administration, to scrupulously follow and strictly adhere to the guidelines issued in the G.O.(Ms)No.210, Revenue [(SS1(1))] Department, dated 08.07.2011, while disposing the applications for name transfer in the patta. Failing to comply the above orders, I am also directed to request you to take necessary disciplinary action against the erring officers,

by the appropriate authority in this regard."

7. In the light of the above facts and circumstances, the respondent is directed to consider and dispose of the petitioner's representation dated 28.12.2015 in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Tahsildar
Tahsildar Office,
Valappady,
Salem District.

COPY TO :-

1. THE SECRETARY TO GOVT.OF TAMIL NADU,
REVEUE DEPARTMENT, FORT ST.GEORGE,
CHENNAI-9.
 2. THE DISTRICT COLLECTOR, SALEM DISTRICT.
- + 1 CC TO MR.S.GUNALAN, ADVOCATE SR 40114

KR/29/7/16

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