

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27482 of 2016

K.Mohan

... Petitioner

Vs.

1. The Secretary
State of Tamil Nadu
Department of Registration
Fort St George, Chennai 09.

2. The Tahsildar
Dharapuram Taluk,
Tirupur District.

3. Dhanalakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent herein to issue patta in his favour in Application No.2016/0103/32/008795 dated 03.03.2016 for which has been owing to an extent of 4.24 acres in New Survey No.315/1, Old Survey No. situated in Chitrauthanpalayam village, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.M.Balachandar

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

2. The petitioner claims to have purchased land admeasuring to an extent of 4.24 acres in S.No.315/1 [Old S.No.326] at Chitaravithanpalayam village, Erode District, through a registered Sale Deed dated 20.03.2007 bearing Document No.2103/2007, registered on the file of the office of the Sub Registrar, Dharapuram and claims to be in possession and enjoyment of the same. The petitioner would further state that one Rathinasamy, had filed a suit in OS.No.269/2006 on

the file of the Court of District Munsif, Dharapuram, for declaration and permanent injunction and other consequential reliefs and the suit came to be dismissed on 22.04.2015 and no further challenge has been made to the said Judgment and the petitioner had also filed a suit in OS.No.340/2012 on the file of the Court of Subordinate Judge, Dharapuram, against one Ravichandran, praying for declaration and other consequential reliefs and the defendant submitted to decree and accordingly, the suit was decreed as prayed for vide judgment and decree dated 21.07.2015. The petitioner, thereafter, approached the 2nd respondent, by submitting an application dated 03.03.2016 for transfer of patta and it was opposed by one of the rival claimants, viz., N.Dhanalakshmi. The Revenue Divisional Officer, Dharapuram, has sent a communication in O.Mu.No.1698/2016/m, has directed the 2nd respondent to take action on the representation submitted by Dhanalakshmi and inform the same to her. The grievance expressed by the petitioner is that the 2nd respondent, neither conducted an enquiry on the basis of the representation submitted by the said Dhanalakshmi or disposed of the application submitted by the petitioner for transfer of patta and hence, the petitioner came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 03.03.2016 in accordance with law, after putting on notice, the 3rd respondent herein and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

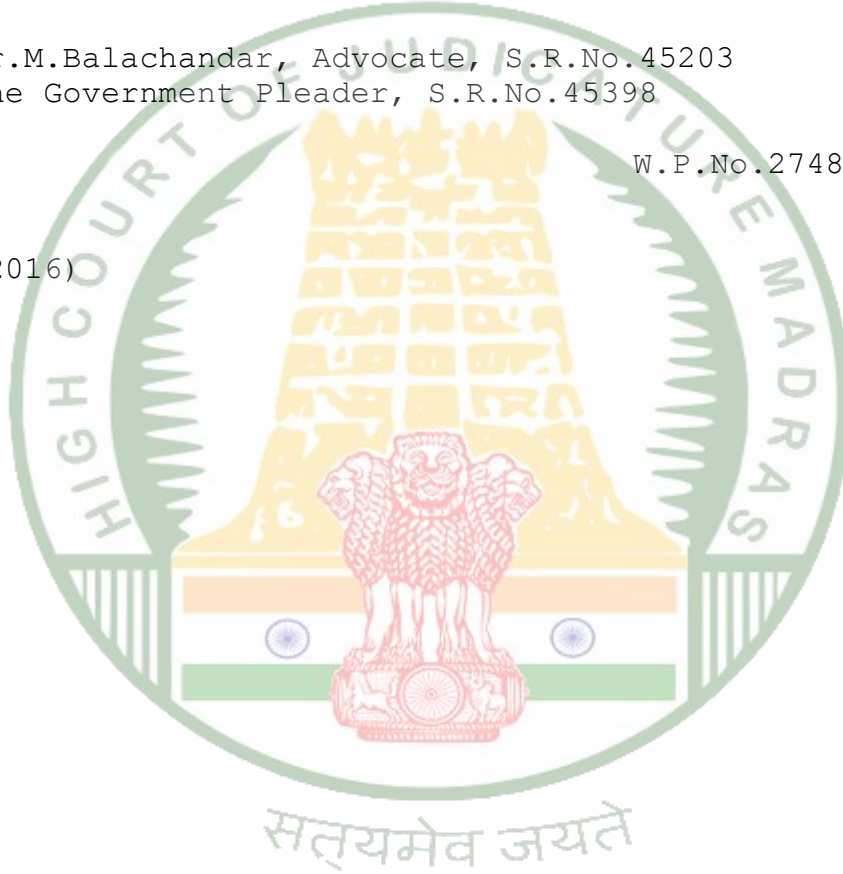
To

1. The Secretary
State of Tamil Nadu
Department of Registration
Fort St George, Chennai 09.
2. The Tahsildar
Dharapuram Taluk,
Tirupur District.

+1cc to Mr.M.Balachandar, Advocate, S.R.No.45203
+1cc to the Government Pleader, S.R.No.45398

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RSY(CO)
CA(26/08/2016)



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