

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.09.2016

CORAM

The Honourable MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30481 of 2016

Rathina Gounder

... Petitioner

Vs

The Thasildhar
Sankarapuram Taluk
Villupuram District

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to transfer the patta in S.No.92/4 measuring about 2.5 acres situated at Valayampattu Village, Sankarapuram Taluk, and Villupuram District as per the findings of S.A.No.646 of 2006 dated 10.02.2014.

For Petitioner : Mr.R.Kumaravel

For Respondent : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner would state that he had purchased the agricultural land admeasuring to an extent of 2.5 acres in the year 1972 situate at Valayampattu village, Kilapattu, Sankarapuram Taluk, Villupuram District, through a registered Sale Deed dated 15.07.1972 and it is also a subject matter of litigation in OS.No.488/2000 on the file of the Court of Principal District Munsif, Kallakurichi ; in AS.No.109/2003 on the file of the Court of Subordinate Judge, Kallakurichi, and in the judgment dated 10.02.2014 rendered by this Court in SA.No.646/2006, the appeal filed by the petitioner has been allowed and the judgment and decree passed by the Courts below were set aside. Thereafter, the persons aggrieved, viz., Annamalai Gounder and others, filed SLP [Civil] No.15087/2014 and it was dismissed on 11.07.2014. Thereafter, the petitioner submitted an application for transfer of patta and the office of the respondent has also sent a notice calling upon the petitioner for an enquiry in Na.Ka.NO.Aa5/5933/2015 dated 29.10.2015 and also sent another notice fixing the date of hearing on 11.01.2016. According to the petitioner, he has

also appeared and produced the documents and since no orders have been passed, the petitioner sent a reminder dated 01.02.2016 and it was acknowledged by the office of the 1st respondent on the same day itself and despite that, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file the present writ petition.

3 Heard the submissions of the learned counsel appearing for the respondent and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondent and he would submit that necessary direction will be issued to the respondent to pass orders at an early date.

4 It is pertinent to point out at this juncture that the Secretary to Government, Revenue Department, Fort St George, Secretariat, Chennai-600009, vide Letter No. 18294/SS.1[1]/2015-2 dated 26.05.2015, has dealt with the matter relating to the issuance of patta and name transfer, by taking into consideration G.O [Ms] No.210, Revenue [SS1 [1]] Department dated 08.07.2011 as well as the order of this Court dated 08.04.2015 made in WP.No.10142/2015 and it is relevant to extract the following paragraphs of the said letter dated 26.05.2015:-

".....

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 seems to be complaints in disposing the applications for name transfer in the patta, as bitterly pointed out by the Hon'ble High Court, Madras.

4.Hence, in view of the caustic observations made by the Hon'ble High 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 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."

5 In the light of the above facts and circumstances, the respondent is directed to consider and dispose of the petitioner's application for transfer of patta dated 01.02.2016, after putting on notice, Tmt.Veerammal, W/o.Kuppan and Thiru.Annamalai, S/o.Kuppan 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 above cited persons.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP/jv

To

The Thasildhar,
Sankarapuram Taluk,
Villupuram District.

Copy to:-
The District Collector
Villupuram District.

1 cc to M/s.R.Kumaravel, Advocate, sr.49634
1 cc to Government Pleader, sr.49990

ad co
kra 21.09.2016

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