

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.34106 of 2016

K.Kannan

... Petitioner

Versus

1. The Tahsildar,
The Office of Tahsildar,
Tindivanam Taluk,
Villupuram District.

2. M.Sakkaravarthi

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the first respondent herein to consider and take appropriate action in application for Sub Division Patta Transfer vide can no.0330703030898 and application No.2016/0105/07/004654 dated 22.03.2016 within the stipulated time prescribed by this Court.

For Petitioner : Ms. C.V. Charanya
For R-1 : Mr. A. Kumar,
Special Govt. Pleader

ORDER

The petitioner purchased agricultural land measuring an extent of 0.80 acres comprised in New S.No.104/1, old S.No.75/1, situated at Manoor Village, Tindivanam Taluk, Villupuram District and he is in possession and enjoyment of the same. According to the petitioner, the said land was originally purchased by one Thangavel Aachari. The said Thangavel Aachari and his wife died leaving behind them T.T.Vinayagam, T.Palani, Kirijakumari and Durai Ammal as their legal heirs. Thereafter, the legal heirs of the deceased Thangavel Aachari settled the property among themselves and they took their respective portion of the land. One of the legal heirs of the deceased Thangavel Aachari, namely, Duraiammal, who was allotted land to an extent of 0.80 acres in S.No.104/1, sold her share to the petitioner by way a registered sale deed dated 17.03.2015. Thereafter, the petitioner filed an application for Sub Division and transfer of patta before the first respondent in the month of October 2015. But, there was no response from the first respondent.

2. According to the petitioner, when he visited the office of the first respondent and enquired about the application for transfer of patta, it was submitted that the surveyor went to measure the land of the petitioner, but the 2nd respondent, who is the adjacent land owner, prevented the surveyor from measuring the property. Hence, the petitioner lodged a complaint with the Inspector of Police and Superintendent of Police on 03.11.2015 and 11.12.2015. In the enquiry, the 2nd respondent was asked not to disturb the petitioner or the Surveyor from taking measurement of the land, but, such oral direction has not been complied with by the second respondent. Thereafter, in the month of January 2016, when the petitioner approached the first respondent seeking issuance of patta, the first respondent advised the petitioner to apply for sub division and transfer of patta through on-line. Accordingly, the petitioner also applied for the application for sub division of the land and for issuing patta and paid all the charges thereof. Thereafter, on 23.07.2016, the surveyor visited the land. Before such visit, the petitioner approached the Inspector of Police concerned for police protection, Though police protection was given for measuring the land, the second respondent did not allow the Surveyor and Village Administrative Officer to discharge their duty. In turn, the second respondent stated that an agreement was entered into between the petitioner's vendor and the second respondent and she has an assertable right over the property of the petitioner. According to the petitioner, the vendor of the petitioner stated that she did not enter into any such agreement with the second respondent. In such circumstances, the petitioner has filed this writ petition seeking a direction to the first respondent to consider the application for transfer of patta and for measuring his land.

3. The learned counsel for the petitioner submits that the first respondent may be directed to consider the application of the petitioner for transfer of patta.

4. The learned Special Government Pleader appearing for the first respondent has no objection for such an order being passed by this Court.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the application of the petitioner for sub division and transfer of patta and to pass orders thereon, after giving notice to the second respondent, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the

claim made by the petitioner. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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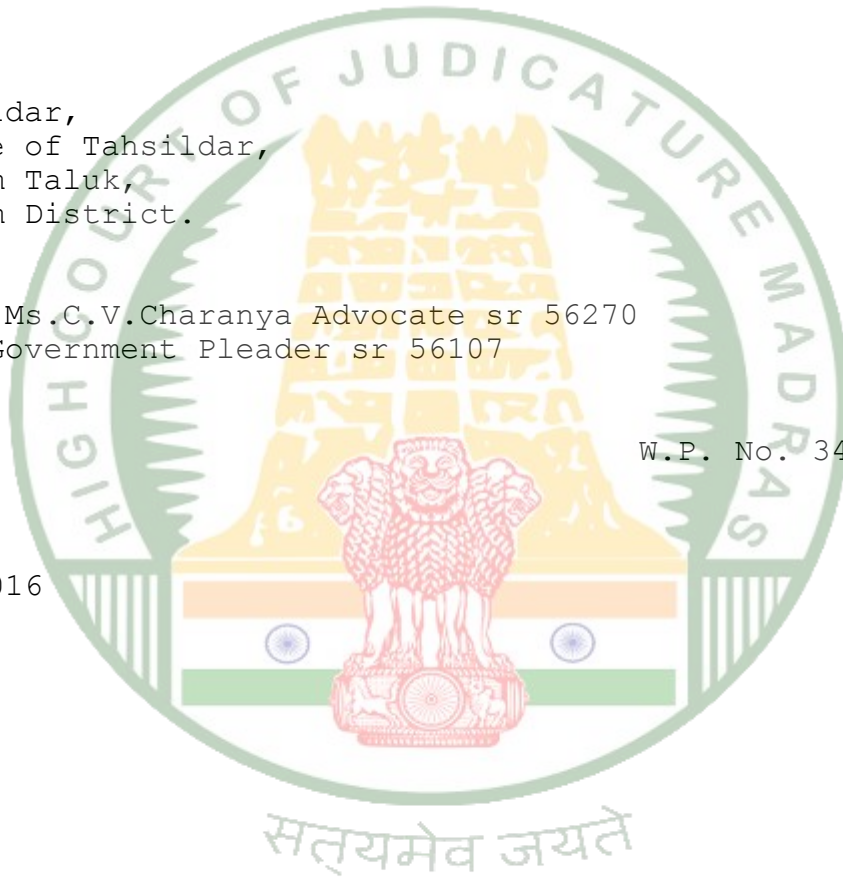
To

The Tahsildar,
The Office of Tahsildar,
Tindivanam Taluk,
Villupuram District.

+2 ccs to Ms.C.V.Charanya Advocate sr 56270
+1 cc to Government Pleader sr 56107

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