

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.36543 of 2016

S.A.Annamalai

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to change the patta into the name of the petitioner on considering the representation dated 22.9.2016.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.R.S.Selvam,
Government Advocate

सत्यमेव जयते
O R D E R

Mr.R.S.Selvam, learned Government Advocate, takes notice on behalf of the respondents. By consent of the counsel, the Writ Petition itself is taken up for disposal at the admission stage.

2. This Writ Petition has been filed by the petitioner seeking for a mandamus directing the respondents to change the Patta into his name on the basis of the representation of the petitioner dated 22.9.2016.

3. According to the petitioner, the property admeasuring an extent of 2.72 acres comprised in S.No.14/2, situated at

Sorandai Village, Thiruvannamalai Taluk and District originally, belonged to one Muthu and he had been in continuous possession and enjoyment of the same. The said Muthu out of his own will and volition had executed a settlement deed bearing Doc.No.1898/1985 on the file of SRO, Thiruvannamalai, in favour of his son Kannan. Thus, the said Kannan becomes the sole and absolute owner of the aforesaid property. Thereafter, the said Kannan and his family sold the property admeasuring 1.72 acres out of 2.72 acres to and in favour of one Dandapani by virtue of the Registered Sale Deed dated 22.2.2008 bearing Doc.No.529/2008 on the file of the SRO, Thiruvannamalai. Thus, the said Dandapani has become the sole and absolute owner of the property admeasuring 1.72 acre out of 2.72 acres. Thereafter, the said Dandapani sold 1 acre out of 1.72 acres purchased by him to and in favour of one Karunagram by virtue of the Registered Sale Deed dated 5.3.2008 bearing Doc.No.2498/2008 on the file of SRO, Thiruvannamalai. Thus, the said Karunagram has become the sole and absolute owner of the property admeasuring 1 acre out of 2.72 acres and continued to be in possession and enjoyment of the same. The said Karunagram executed a power of attorney and through the said power of attorney, the property admeasuring 1 acre out of 2.72 acres with specific boundaries were sold the petitioner herein by virtue of the Registered Sale Deed dated 18.11.2015 bearing Doc.No.9102/2015 on the file of the SRO, Thiruvannamalai. Thus, the petitioner has become the sole and absolute owner of the property admeasuring 1 acre out of 2.72 acres with specific boundaries and continued to be in possession and enjoyment of the same. Subsequent to his purchase, the petitioner has made a representation in the month of December, 2015, to the respondents herein for mutation of revenue records and transfer of patta in his name after effecting necessary subdivision. Though the respondents assured to look into the matter on the representation submitted by the petitioner, they have not taken any action and kept the matter pending arbitrarily. Therefor, the petitioner seeks for the relief stated above.

4. Heard the learned counsel appearing for the parties.

5. It is submitted by the learned Government Advocate that the petitioner has not at all approached the appropriate authority, viz., Tahsildar, by way of proper application. Therefore, the petitioner is permitted to make an Application before the Tahsildar/second respondent herein along with necessary documents in support of his claim for changing patta into his name, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such Application, the respondent is directed to consider the same on merits and pass orders in accordance with law as expeditiously as possible.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

asvm

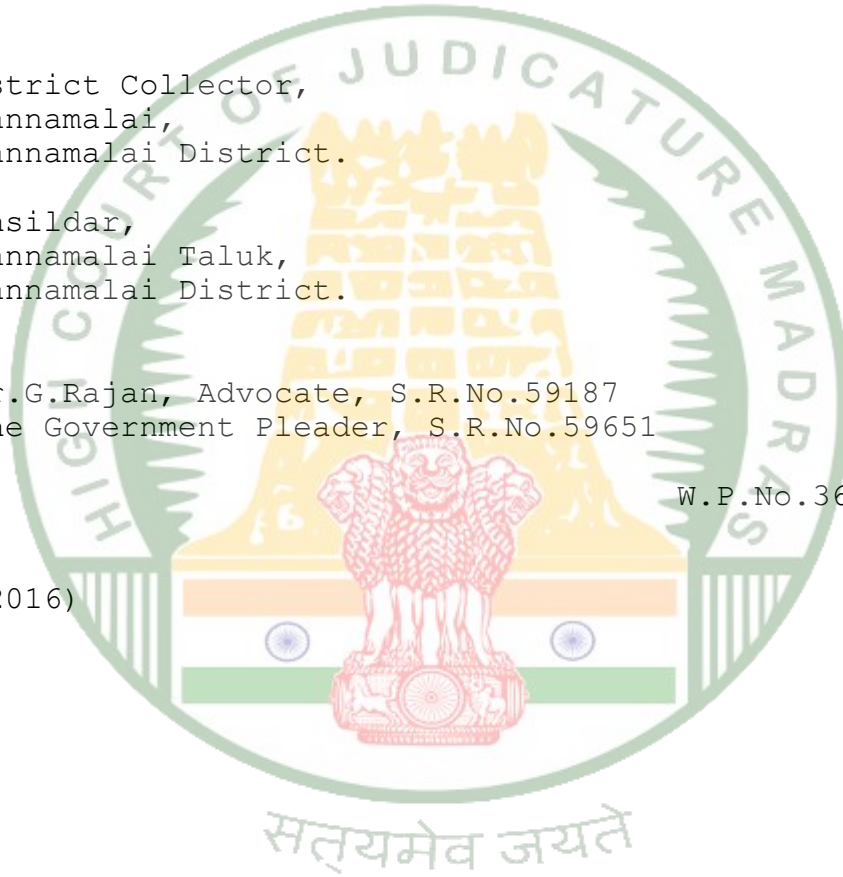
To

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

+1cc to Mr.G.Rajan, Advocate, S.R.No.59187
+1cc to the Government Pleader, S.R.No.59651

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CNR(CO)
CA(05/12/2016)



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