

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3823 of 2016

Ruby Textiles Processing Mills
represented by its Partner
P.Somasundaram

... Petitioner

vs.

1.The District Collector,
Collector Office,
Cotton Market Post,
Tirupur 641 604.

2.The Zonal Deputy Tahsildar,
Office of the Tahsildar,
Tirupur (South).

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records of the second respondent relating to the letter in RDR No.4340/2015/A1 dated 10.12.2015 and quash the same and directing the respondents to issue change of patta for the property situate in S.No.45 of Andipalayam Village, which was purchased by the petitioner from the previous owner in the name of their Ruby Textiles Processing Mills in response to their representation dated 27.10.2015 addressed to the first respondent.

For Petitioner : Mr.S.P.Meenakshi Sundaram

For Respondents : Mrs.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a Certiorarified Mandamus to call for the records of the second respondent in RDR No.4340/2015/A1 dated 10.12.2015 and quash the same and consequently directing the respondents to issue change of patta for the property in S.No.45, Andipalayam Village in favour of their Mill, by considering their representation dated 27.10.2015 addressed to the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. It is the case of the petitioner that the petitioner is a partnership firm and is engaged in the business of printing knitted fabrics, manufacturing and exporting knitted garments and to do any other business as the parties mutually agree upon from time to time. While so, the petitioner Mill purchased the lands measuring an extent of 59 cents and 59 cents comprised in S.F.No.45, Andipalayam Village, Tirupur Taluk under two separate sale deeds registered as Document Nos.1864 of 2000 and 1961 of 2000 on the file of the Sub Registrar, Tirupur. From the date of purchase, they have been in possession and enjoyment of the said properties and they applied for transfer of patta to the Village Administrative Officer, Revenue Inspector and Tahsildar. However, the said request was rejected by a letter dated 10.12.2015 issued by the second respondent on the ground that the petitioner is due to pay a sum of Rs.3,25,420/- under the Revenue Recovery Act, on the basis of the proceedings of the first respondent in Na.Ka.No.16330/2009.

4. The facts leading to recovery of the alleged sum of Rs.3,25,420/-, according to the petitioner, are as follows:

In the year 2005, one Ravichandran, who was the employee of the petitioner, died due to electrocution. The wife of the said Ravichandran filed a claim petition in WC.No.96/2006 before the Deputy Commissioner of Labour, Chennai under the Workmen's Compensation Act 1923. After due contest, the said claim petition was allowed by directing the petitioner to pay compensation of Rs.3,25,420/- to the family of the deceased. Pursuant to the same, a Dstraint order dated 12.07.2010 came to be issued by the Tahsildar, Tirupur to dstrain the property of the petitioner for arrears of the revenue. Aggrieved against the same, the petitioner filed WP.No.17754/2010 to call for the records of the Tahsildar, Tirupur Taluk, relating to the dstraint order dated 12.07.2010 and to quash the same. The said writ petition was allowed by setting aside the order passed by the Deputy Commissioner of Labour-II. Pursuant to the same, the petitioner is not liable to pay any amount. Though the said fact was informed to the first respondent by a communication dated 2.3.2015 sent by the Tahsildar, Tirupur (South), the second respondent passed the impugned order, thereby rejecting the request of the petitioner seeking transfer of patta in respect of the property in question. Hence, the petitioner has filed the present writ petition for the above stated relief.

5. The learned counsel for the petitioner made elaborate arguments challenging the impugned order passed by the second respondent. However, he ultimately submitted that it would suffice, if the respondents are directed to dispose of

the representation to be submitted by the petitioner within a stipulated time.

6. In view of the submission so made by the learned counsel for the petitioner, this Court permits the petitioner to submit a fresh representation seeking transfer of patta in respect of the property in S.F.No.45 Andipalayam Village, narrating all the facts with the supportive documents, if any, along with a copy of this order, to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collector Office,
Cotton Market Post,
Tirupur 641 604.

2.The Zonal Deputy Tahsildar,
Office of the Tahsildar,
Tirupur (South).

+1cc to Mr.S.P.Meenakshi Sundaram, Advocate, S.R.No.9339
+1cc to the Government Pleader, S.R.No.9369

W.P.No.3823 of 2016

sv(CO)
srg(19/02/2016)