

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4136 of 2016

Mr.A.Annamalai

... Petitioner

Vs.

1. The District Collector,
Collectorate, Villupuram,
Villupuram District.

2. The Tahsildar,
Ulundurpettai Taluk, Villupuram District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation, dated 01.09.2015 and issue a patta in petitioner's favour, bearing Survey Nos.175, 175/4 and 175/3, Pachapalayam Village, Ulundurpettai Taluk, Villupuram District, an extent of 0.47-1/2 cents, 0.32 cents and 0.28-1/2 cents.

For Petitioner : Mr.G.Ranganathan
For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.G.P.

ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation, dated 01.09.2015 and issue a patta in petitioner's favour, bearing Survey Nos.175, 175/4 and 175/3, Pachapalayam Village, Ulundurpettai Taluk, Villupuram District, of an extent of 0.47-1/2 cents, 0.32 cents and 0.28-1/2 cents.

2. It is the case of the petitioner that he is the absolute owner of the above said properties purchased through sale deed Document Nos.464/1995, 582/1995 and 835/2003 on the file of the Sub-Registrar's Office, Ulundurpettai, Villupuram District, from Sadiyapillai and Muthu family respectively. Ever since his possession, he had been enjoying the said properties without any disturbances and also raised crops like sweet potatoes, sugarcane, paddy, etc., all these years. For applying agricultural loan, he approached the second respondent through

Village Administrative Officer and requested for transfer of patta in his favour on the basis of the sale deed. Without considering the said representation, the second respondent failed to receive the Kist and land tax. Immediately, again the petitioner made a representation on 16.08.2015 to the first respondent to receive the Kist for the said lands. The respondents neither replied nor issued a patta. The petitioner subsequently made a representation on 01.09.2015 to the respondents, after receipt of which, the first respondent-District Collector, on 16.09.2015 remitted the matter to the second respondent-Tahsildar to consider the said representation/application for issuing the transfer patta and inform the same. Even after receipt of the said communication, the second respondent has not considered the application and had not issued the transfer patta in petitioner's favour, which resulted in filing this Writ Petition for the above relief.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the limited scope of the prayer made in this Writ Petition seeking for a direction to consider the said representation, dated 01.09.2015, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the second respondent-Tahsildar to consider the said representation of the petitioner, dated 01.09.2015 for issuance of transfer of patta in petitioner's favour, if the same has not yet already been issued to him and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order or on production of a copy of this order by the petitioner with a copy of the said representation, whichever is earlier. No costs.

cs

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

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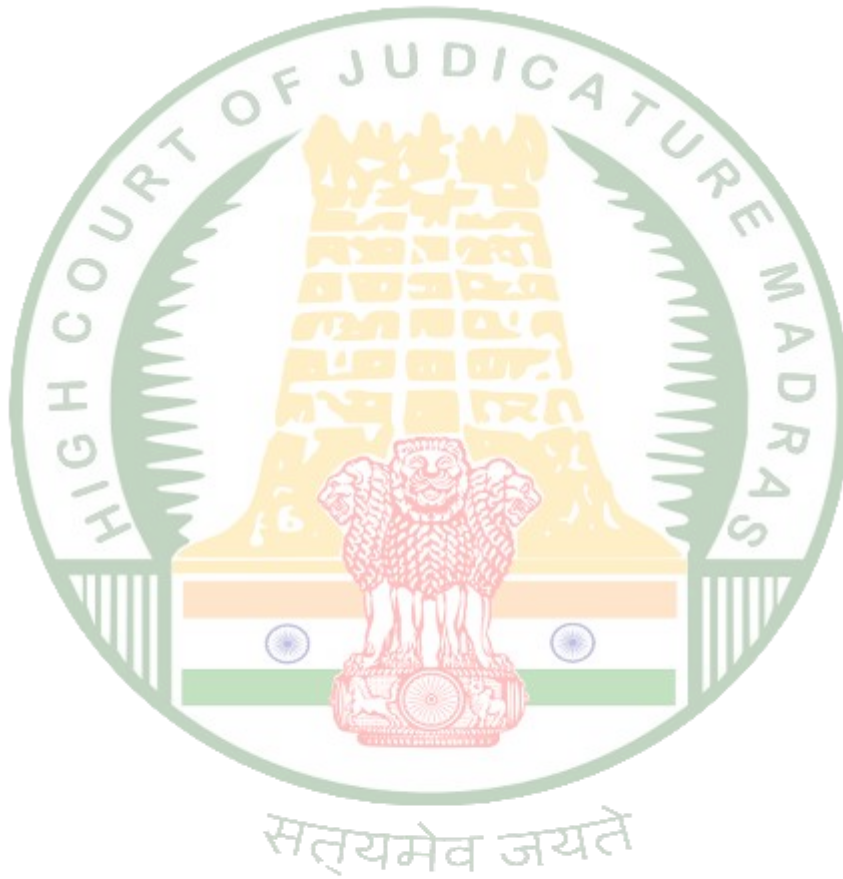
1. The District Collector,
Collectorate, Villupuram,
Villupuram District.
2. The Tahsildar,
Ulundurpettai Taluk, Villupuram District.

+ 1 cc to Mr.G.Ranganathan, Advocate SR 7128

+ 1 cc to Govt.Pleader SR 7531

sr(co)
prk18/2

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