IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4898 of 2016

B.Sekaran ... Petitioner

Vs.

1.The District Collector
Vellore District, Vellore.

2.The District Revenue Officer
Vellore District, Vellore.

3.The Revenue Divisional Officer
Vellore District, Vellore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 3rd respondent to consider the petitioner's representation dated 07.01.2016 to dispose of the appeal filed by the petitioner on 15.05.2001 with regard to transfer of patta with respect of the property in Survey No.240/18 with an extent of 3500sq.ft st Alamelu Mangapuram Village, Vellore.

For Petitioner : M/s.D.Rajagopal

For respondents : Mr.P.Rajalakshmi,
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the 3rd respondent to consider the petitioner's representation dated 07.01.2016 to dispose of the appeal filed by the petitioner on 15.05.2001 with regard to transfer of patta with respect of the property in Survey No.240/18 with an extent of 3500sq.ft st Alamelu Mangapuram Village, Vellore.

3.The petitioner submits that he purchased a property in Survey No.240/18 with an extent of 3500sq.ft at Alamelu

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Mangapuram Village from one Velayutham on 04.07.1997 vide document No.3381/1997. Even before the purchase made by the petitioner, the said Velayutham/Vendor of the petitioner is in possession and enjoyment of the land vide sale deed dated 25.12.1978. The document executed by the vendor in favour of the petitioner is a valid document. Since, the petitioner is the bonafide purchaser, he approached the Revenue Authorities to transfer the patta in his name and submitted several representations to the Tahsildar. The Tahsildar failed to consider the same, the petitioner filed writ petition in WP.No.3951 of 2001 before this Court. This Court in its order dated 01.03.2001 directed the Tahsildar to consider and dispose of the representation given by the petitioner. The Tahsildar in his letter dated 16.04.2001 rejected the claim of the petitioner. Aggrieved over the said order of rejection, the petitioner preferred an appeal dated 15.05.2001 before the 3rd respondent/Revenue Divisional officer, Vellore District.

4.During the pendency of the appeal before the third respondent, the petitioner submitted several representation to take up the appeal proceedings. The last representation to all the respondents sent by the petitioner is dated 07.01.2016. The request of the petitioner is pending for more than fifteen years and having no other efficacious remedy, the petitioner approached this Court by way of present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

6.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the third respondent to consider and pass appropriate orders on the appeal filed by the petitioner dated 15.05.2001 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear, that this Court has not expressed any opinion on merits of the claim of the petitioner.

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

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1.The District Collector
  Vellore District, Vellore.

2.The District Revenue Officer
  Vellore District, Vellore.

3.The Revenue Divisional Officer
  Vellore District, Vellore.

+1cc to M/s.D.Rajagopal, Advocate, S.R.No.8575
+1cc to the Government Pleader, S.R.No.8861

W.P.No.4898 of 2016

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CA(24/02/2016)

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