

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5387 of 2016

Padhur Jaman

... Petitioner

vs.

The Tahsildar,
Sri Perumbudur Taluk,
Kancheepuram District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the petitioner's representation dated 25.11.2015 pertaining to transfer of patta within the stipulated period of time.

For Petitioner : Mr.D.Karunakaran

For Respondent : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the respondent herein to consider his representation dated 25.11.2015 pertaining to transfer of patta within a stipulated period of time.

3. It is the case of the petitioner that he is the absolute owner of the properties to an extent of 2580 sq.ft. in S.No.250/5, Plot No.105 to an extent of 7200 sq.ft. in Vadakal Village vide sale deed No.15579/06 (2) S.No.508/11 and 508/13 plot No.20 to an extent of 1922 sq.ft. in Ponthur Village vide sale deed No.11379/06 (3) S.No.506/7 plot No.1 to an extent of 5915 sq.ft. in Ponthur Village vide sale deed No.6930/2010 (4) S.No.508/13 and 508/14, plot No.17 to an extent of 2520 sq.ft. in Ponthur Village vide sale deed No.3033/09 (5) 494/7 and 494/8 to an extent of 4103 sq.ft. in Ponthur Village vide sale deed

No.16424/06 within the Sub Registration District of Sriperumbudur, Kancheepuram District. Originally, the said properties belonged to his brother P.S.M.Ubaidullah. Later, he executed Marz-ul-maut Sanath as per the Shariat Law on 8.3.2013. Thereafter, he died on 15.5.2014 due to kidney failure. During his life time, the petitioner's brother borrowed money from one M.Abdul Kadar by executing a promissory note. The said M.Abdul Kadar attempted to interfere with the petitioner's peaceful possession and enjoyment of the said properties. Hence, the petitioner filed a suit in O.S.No.735 of 2015 before the III Additional Sub Court, Madurai for declaration and permanent injunction. The said suit ended with settlement before the National Lok Adalat held on 12.9.2015 and he had settled the entire principal and interest due to the said M.Abdul Kadar and got back the promissory note. Thereafter, the petitioner made a representation dated 25.11.2015 to the respondent seeking transfer of patta in his name, which is standing in the name of his brother P.S.M.Ubaidhullah, by enclosing all the relevant documents. But, till date, the respondent has not taken any action on the said representation. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondent to consider his representation dated 25.11.2015 pertaining to transfer of patta within the stipulated period of time.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to consider the representation of the petitioner dated 25.11.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sbi

sd/
Assistant Registrar

True copy

Sub Assistant Registrar.

To

The Tahsildar,
Sri Perumbudur Taluk,
Kancheepuram District.

+ 1 cc to Mr.D.Karunakaran, Advocate SR 9353

+ 1 cc to Govt.Pleader SR 9363

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