

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5581 of 2016  
and W.M.P.No.4912 of 2016

Kamala

... Petitioner

vs.

1. The District Collector,  
Salem District,  
Salem.

2. The Revenue Divisional Officer,  
Salem District.

3. Chinnaponnu

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to conduct an enquiry and pass suitable orders transferring the patta in favour of the petitioner pursuant to the communication of the second respondent in Na.Ka.2680/2014/A3 dated 16.12.2014.

For Petitioner : Ms.P.T.Ramadevi  
For Respondents : Mr.P.Sanjay Gandhi,  
Addl. Govt. Pleader,  
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the second respondent to conduct an enquiry and pass suitable orders transferring the patta in her favour pursuant to his communication dated 16.12.2014.

2. It is the case of the petitioner that the land measuring to an extent of 1-1/2 cents in HSD No.1627/99 in Uthamachozhapuram Village, Salem District, was originally owned by her husband Govindan and patta was also granted in his favour in respect of the said land by the Tahsildar, Salem. Subsequently, her husband executed a sale deed in her favour on 11.11.2011, which was duly registered in the Sub Registrar Office, Veerapandi in document No.4064/11. After getting the sale deed, the petitioner approached the Village Administrative

Officer, Uthamachozhapuram for transfer of patta in her name. But, she was informed that the said land was sold in favour of one Chinnaponnu, wife of Chidambaram, the third respondent herein by one Marimuthu Nadar, the father in law of the petitioner. In this regard, the petitioner sent several petitions to various authorities for cancelling the said sale deed. She has also filed an application before the second respondent for cancelling the patta standing in the name of the third respondent and to grant patta in her name. After receipt of the same, the second respondent conducted an enquiry on 15.9.2014 and on that date, the petitioner appeared for enquiry. But, the third respondent did not appear. Subsequently, the enquiry was adjourned to 26.12.2014 and on that date also, the third respondent did not appear. Thereafter, the second respondent without passing any orders, is keeping the application pending. Hence, she has filed another petition before the first respondent on 21.11.2014 requesting him to direct the second respondent to conduct enquiry and pass orders. Despite the same, no order has been filed by the second respondent so far. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to expedite the enquiry pending before him on the application made by the petitioner for cancelling the patta standing in favour of the third respondent and to grant patta in her name 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 third respondent and other necessary parties, if any, and pass appropriate orders, on merits and in accordance with law, 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 second 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

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,  
Salem District,  
Salem.

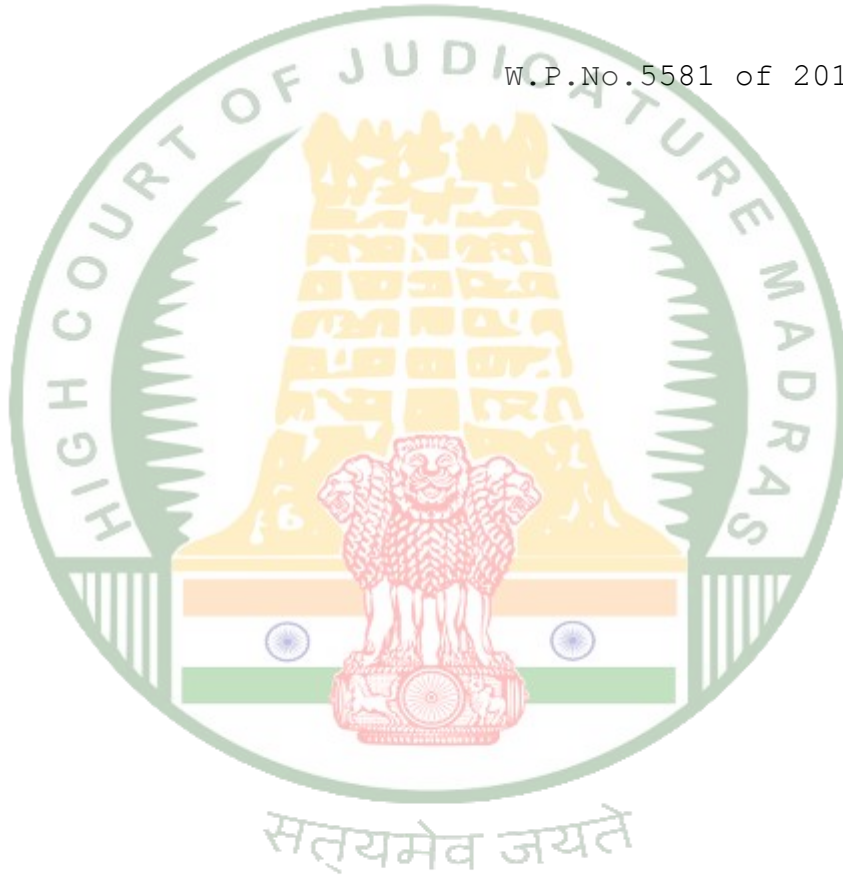
2. The Revenue Divisional Officer,  
Salem District.

+ 1 cc to M/s.P.T.Ramadevi,Advocate, SR 9911

+ 1 cc to Government Pleader, High Court, Madras SR9942

rsk(co)  
prk2/3

W.P.No.5581 of 2016



WEB COPY