



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.11353 of 2016

M.A.Ganesan

..Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Collectorate Office,
Sivagangai District.

3. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

4.The Zonal Deputy Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue patta in favour of the Petitioner on the basis of the sale deed in Document No.1616 of 2016 dated 11.4.2016 of Sub-Registrar Office, Thiruppuvanam Within the period stipulated by this Court.

For Petitioner :M/s.Rajkumar Sen

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate.

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the respondents.

4.According to the Petitioner, he purchased the property from one G.Amsavalli, Wife of Govindan, by means of registered sale deed, dated 11.4.2016 on the file of the Sub-Registrar's Office, Thiruppuvanam and it appears that the said Amsavalli had laid a suit in O.S. No.166 of 2014, on the file of the Principal District Munsif, Manamadurai seeking declaratory relief of holding the sale deed, dated 22.11.2010 as null and void and for declaration and the trial Court had passed an ex-parte decree in favour of the said Amsavalli.



5.The grievance of the Petitioner is that he approached the Third and Fourth Respondents in person on 9.5.2015, submitting a copy of the decree in O.S.No.166 of 2014, Partition Deed, dated 25.7.2007 of Amsavalli, Sale Deed, dated 11.4.2016 in his favour with Encumbrance Certificate, for patta transfer and subsequently, the Petitioner projected an application for patta transfer on 3.5.2016 and also reminder on 7.6.2016. As on date, the said representation/petition, dated 3.5.2016 and the subsequent reminder, dated 7.6.2016 are pending without any disposal.

6.Considering the limited relief sought for by the Petitioner in the Writ Petition, namely for issuance of a direction to the Third Respondent/The Tahsildar, Thiruppuvanam Taluk, Sivagangai District, this Court without going into the merits and contents of the representation of the Petitioner, dated 3.5.2016 and the subsequent reminder, dated 7.6.2016, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Second Respondent to look into the representation of the Petitioner, dated 3.5.2016 and the subsequent reminder, dated 7.6.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the Third Respondent is directed to consider the representation of the Petitioner dated 3.5.2016 and the subsequent reminder, dated 7.6.2016 and to dispose of the same by passing a reasoned speaking order, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Third Respondent/The Tahsildar, Thiruppuvanam Taluk, Sivagangai District and the Third Respondent shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 3.5.2016 and subsequent reminder, dated 7.6.2016.

7.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1.The District Collector,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The District Revenue Officer,
Collectorate Office,
Sivagangai District.



3. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

4. The Zonal Deputy Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1cc to M/s.A.Rajkumar, Advocate in SR.33927

+1cc to the Special Government Pleader, in SR.33207

W.P(MD)No.11353 of 2016
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vsn

PBK/SKS-RR/SAR-I 01/07/2016 ::3P-7C::