



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.15003 of 2016

P.Chinnaponnu

..Petitioner

Vs

The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider and dispose of the representations of the Petitioner dated 12.11.2015 and 21.6.2016 for transfer of patta to the Petitioner as the Mamorandum of the Respondent in O.Mu.No.12834/2015/B2, dated 25.1.2016 for the properties measuring 48 cents and 36 cents comprised in S.No.254/5, situated at Alanganallur Village, Vadipatti Taluk, Madurai without any further delay.

For Petitioner :M/s.K.Appadurai

For Respondent :Mr.S.Kumar
Addl.Govt.Pleader

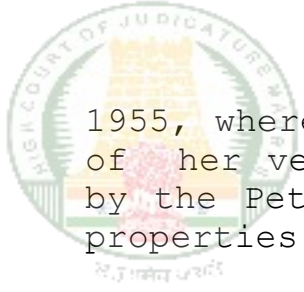
ORDER

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 Respondent.

4.According to the Petitioner, her vendors, who are the sons of Venkatraman are the grand-sons of Late. Subbarama Iyer, son of <https://hcsd.eppan.in/hcsd/index>. It appears that the grand-father of the Petitioner's vendor, Subbarama Iyer had executed a registered 'Will', dated 31.7.1955 as per the registered document No.720 of

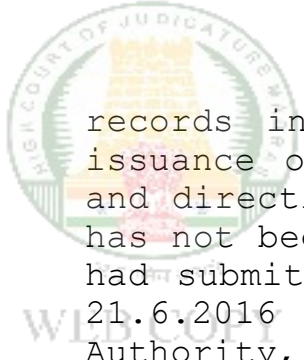


1955, wherein E-Schedule properties were bequeathed to the father of her vendors I.e., Venkataraman Iyer. The properties purchased by the Petitioner are part of the second item in the E-schedule properties of the aforesaid registered 'Will'.

5. It is the version of the Petitioner that after purchasing the properties, she is in exclusive possession and enjoyment of the same. Also, transfer of patta was made in her name and mutation were also carried out. She was also issued with separate Patta Pass-book vide Patta No.1958. She is continuously indulging in cultivation for over 12 years till date. She has derived the lawful title, right, possession and enjoyment of the above properties purchased by her.

6. The real grievance of the Petitioner is that the Respondent has initiated statutory proceedings in Na.Ka.No.16101/2010/B2 and caused an enquiry notice, dated 1.7.2011 directing her and one another to appear for an enquiry on 4.7.2011 at 4.00 p.m at his office with all documentary evidence in support of her title, right and claim for her properties in S.No.245/5, on the ground that one Meenakshi had given a petition to delete the Petitioner's name from the joint patta in S.No.254/5. Accordingly, she appeared before the Respondent on 4.7.2011 at 4.00 p.m with all the parental documents etc., and produced the same for an effective adjudication of the same. She gave her written objection to the Respondent on 4.7.2011. Without any further communication or proceedings issued to the Petitioner, it appears that the patta stood in the name of the Petitioner was erroneously deleted from joint patta. Hence she preferred an appeal before the Revenue Divisional officer, Madurai and the Appellate Authority issued summons to her and all other necessary parties to raise their objections etc. She appeared before the Appellate Authority on 6.4.2015 and submitted all necessary title deeds. No one had turned up for the enquiry despite receipt of summons. Hence the appeal was posted to 30.4.2015, 16.6.2015, 2.7.2015 and 20.8.2015 respectively. None of the objectors had turned up and submitted their documents in proof of their right in the property. Hence the Learned Appellate Authority passed a final order in proceedings, dated 15.09.2015 directing the Respondent to transfer patta in her name. Soon after the receipt of the order from the Appellate Authority, the Respondent issued a Memorandum to the Regional Deputy Tahsildar, Alanganallur to verify whether any one is aggrieved by the order of the Appellate Authority directing transfer of patta and whether there is any review petition is pending.

7. It transpires that all the revenue authorities after verifying the records and field inspection submitted that there is no one aggrieved and no review petition is filed or pending. Thereafter, the Respondent by means of further proceedings, dated 25.1.2016 directed the Respondent to effect mutation of revenue



records in her favour in the revenue records and intimated for issuance of transfer of patta. Despite the aforesaid proceedings and direction of the Appellate Authority till date, the Petitioner has not been issued with the transfer of patta in her favour. She had submitted an application to the Respondent on 12.11.2015 and 21.6.2016 for transfer of patta as per orders of the Appellate Authority, dated 15.9.2015. and Memorandum of the Respondent, dated 25.1.2016. Even after the receipt of the Petitioner's applications for transfer of patta, the Respondent remain silent without valid reason infringing her legal right to hold patta. Hence the Petitioner has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondent to consider and dispose of her representations, dated 12.11.2015 and 21.6.2016 respectively for transfer of patta in her favour.

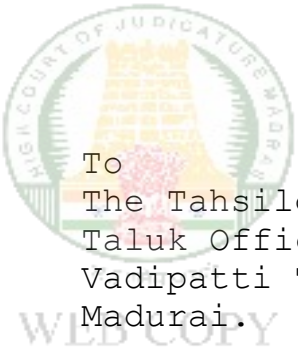
8. Considering the fact that the Petitioner's limited prayer in the Writ Petition is for passing of an order by this Court to dispose of her representations, dated 12.11.2015 and 21..6.2016, at this stage, this Court, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Respondent to look into the representations of the Petitioner, dated 12.11.2015 and 21.6.2016 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 from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Respondent and the Respondent in turn shall take into consideration of the same at the time of disposal of the representations of the Petitioner, dated 12.11.2015 and 21.6.2016. The Petitioner is directed to lend her assistance and co-operation to the Respondent, in disposing of her representations, dated 12.11.2015 and 21.6.2016 within the time fixed by this Court. In case, the Respondent feels that any reminder/reminders is/are to be issued to the Village Administrative Officer concerned and other authorities in the subject-matter in issue, then the Respondent shall without any haziness or hesitation, is to act diligently, swiftly, so as to do the needful to and in favour of the Petitioner, well within the time adumbrated by this Court, as stated supra.

9. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/



To
The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai.

+1CC to M/S.K.Appadurai, Advocate SR.No.44476
+1CC to Special Government Pleader SR.No.44533

W.P(MD)No.15003 of 2016

16.08.2016

VSN
SD/DB/22.08.2016/4P/4C