



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.06.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.9894 of 2016

A.Subramanian

..Petitioner

Vs

1.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai,
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 second respondent to consider the representation of the Petitioner, dated 12.5.2016 as well as the application of the Petitioner dated 9.3.2016 and consequently to issue patta in the Petitioner's name to the property measuring to an extent of 4 ½ cents bearing S.No.208/4C, in Surakulam Group of Sivagangai, Sivagangai District as per the order passed by the first respondent in Na.Ka.No.A1/2454/2013, dated 1.10.2014.

For Petitioner
For Respondents

:M/s.R.Pandi Maharaja
:Mr.S.Kumar
Additional Government Pleader

ORDER

Heard both sides.

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

3.According to the Petitioner, he purchased the property measuring an extent of 4 ½ cents in S.No. S.No.208/4C, in Surakulam Group of Sivagangai, Sivagangai District from his vendor namely G.Rajam by means of a registered sale deed, dated 11.12.2002. From the date of purchase of the said property, he is in exclusive possession and enjoyment of the same without any alienation or making any encumbrance.



4.The stand of the Petitioner is that he had applied before the second respondent/The Tahsildar, Sivagangai Taluk, Sivagangai, Sivagangai District to issue patta in respect of the aforesaid property in his favour and the second respondent had dismissed his application and refused to grant patta in his favour. Thereafter, he filed an appeal before the first respondent/The Revenue Divisional Officer, Sivagangai Revenue Division, Sivagangai, Sivagangai District and the same was allowed by means of an order, dated 1.10.2014. As a matter of fact, the order passed by the second respondent was set aside by the first respondent and that the second respondent was directed to issue patta to the aforesaid property based on the sale deed, dated 11.12.2002.

5.The learned counsel for the Petitioner submits that as against the order passed by the first respondent/The Revenue Divisional Officer, Sivangai Revenue Division, Sivagangai, Sivagangai District, one Ramachandar had filed a revision petition before the District Revenue Officer, Sivagangai and the revision petition was dismissed by means of an order, dated 21.1.2016 by confirming the order passed by the first respondent on 01.10.2014.

6.The real grievance of the Petitioner is that he is unable to transfer patta in respect of the subject-matter property in issue even though he had projected several applications to change the patta to his name from the name of his vendor. On 9.2.2016, the Petitioner had approached the second respondent and submitted a representation to grant patta in his favour based on the order of the first respondent. Since no action was taken on the representation of the Petitioner dated 12.05.2016, he issued a legal notice to the second respondent seeking issuance of patta by considering the order passed by the first respondent/The Revenue Divisional Officer, sivagangai Revenue Division, Sivagangai, Sivagangai District, Thereafter on 9.3.2016, he had applied for grant of patta to the aforesaid property. Thereafter on 12.5.2015 he made another representation to the respondents and the same was received by them on 13.5.2016.

7.The core contention advanced on behalf of the Petitioner is that inspite of several applications made by him as well as representations made to the respondents, his grievance has not been redressed and hence he has filed the present Writ Petition. Inasmuch as the Petitioner in the main Writ Petition seeks for passing of an order by this Court by considering his representation, dated 13.5.2016 as well as his application, dated 9.3.2016 and consequently to issue patta in his name to the ~~surakulam group of Sivagangai, Sivagangai District~~ bearing an extent of 4½ cents bearing S.No.208/4C in Surakulam Group of Sivagangai, Sivagangai District as per the order passed by the first respondent dated 1.10.2014, this Court,



in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the second respondent/The Tahsildar, Sivagangai Taluk, Sivagangai, Sivagangai District to consider the representation of the Petitioner dated 12.5.2016 as well as his application, dated 9.3.2016 on merits and to dispose of the same on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice scrupulously) within a period of four weeks from the date of receipt of a copy of this order. It is open to the Petitioner to submit the sale deed or other documents which he relied upon for his possession before the second respondent and to seek appropriate remedy, if he so desires.

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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.

2. The Tahsildar,
Sivagangai Taluk,
Sivagangai,
Sivagangai District.

+1 CC to Mr. R. PANDI MAHARAJA, Advocate, SR No. 28096
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 28288

W. P (MD) No. 9894 of 2016
06.06.2016

vsn

SH/ARK-PV/SAR-II:10.06.2016:3P/5C