

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.4955 of 2017

Kandhan

... Petitioner

vs.

1. The District Collector,
Villupuram District.
2. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.
3. The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.
4. The Village Administrative Officer,
Pallagacheri Village,
Sankarapuram Taluk,
Villupuram District.
5. Pichapillai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd respondent to consider the petitioner's application dated 05.01.2015 for joint patta name transfer in accordance with law within the time stipulated by this Court.

For Petitioner : Mr. P. Palanikumar

For Respondents 1 to 4 : Mr. P. V. Selvakumar,
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 3rd respondent to consider his application dated 05.01.2015 for joint patta name transfer in accordance with law.

2. According to the petitioner, his father Kaliyan and his father's brother Ramasamy were in joint possession of the agricultural properties in question, till their death. Thereafter, the petitioner is paying property tax in his name in respect of the said properties. While so, the petitioner's relative viz. Pichapillai, S/o.Ramasamy, the 5th respondent herein transferred patta in respect of the properties in question, to his name without including the petitioner's name. Therefore, the petitioner made an application on 05.10.2015 before the 4th respondent to issue joint patta for the abovesaid properties, but the same was not forwarded to the 3rd respondent for further action.

3. It is the case of the petitioner that the 5th respondent got patta in his name without submitting necessary documents, under the influence of the 4th respondent. Hence, the petitioner preferred a petition to the 2nd respondent/Revenue Divisional Officer, Kallakurichi on 28.12.2015 seeking to cancel the patta issued to the 5th respondent and to issue joint patta for the abovesaid properties. On 28.06.2016, the 2nd respondent issued summons to the petitioner and the 5th respondent for appearing before him on 11.07.2016 at 11.00 a.m. along with necessary documents. The 2nd respondent conducted enquiry on the said date and perused the documents submitted by the petitioner, but the 5th respondent did not attend the enquiry. Since no appropriate action is taken thereafter, the petitioner preferred a detailed representation dated 18.02.2017 to respondents 1 to 4 seeking to consider his application dated 05.01.2015 and pass appropriate orders to issue joint patta name transfer. As no reply is forthcoming from the official respondents, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is seen that the 2nd respondent/Revenue Divisional Officer has conducted an enquiry on 11.07.2016 and the petitioner had attended and submitted necessary documents, but, the 5th respondent had not attended the enquiry. Admittedly, the petitioner's petition is pending before the 2nd respondent for a

long time. Hence, having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the case, this Court directs the 2nd respondent/Revenue Divisional Officer, Kallakurichi, to send notice to both parties and dispose of the petition dated 28.12.2015 preferred by the petitioner, in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar To:

1. The District Collector,
Villupuram District.
2. The Revenue Divisional Officer,
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Villupuram District.
3. The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.
4. The Village Administrative Officer,
Pallagacheri Village,
Sankarapuram Taluk,
Villupuram District.

+1cc tp Mr.S.Mohamed Ansar, Advocate SR.No.13119

+1cc to Government pleader SR.No.13155

SDR 21.03.2017

Order in
W.P.No.4955 of 2017

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