

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.2908 of 2017

S.Bhuvaneswari

... Petitioner

vs.

1. The Revenue Divisional Officer,
Attur,
Attur Taluk,
Salem District.

2. The Tahsildar,
Attur,
Attur Taluk,
Salem Division.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to consider the petitioner's appeal dated 29.04.2016 for issuing Patta in favour of the petitioner in respect of Plot No.83, Survey No.261/1, Ammampalayam Village, Attur Taluk, Salem District.

For Petitioner : Mr.L.Rajendran

For Respondents: 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 1st respondent herein to consider her appeal dated 29.04.2016 for issuing Patta in her favour in respect of Plot No.83 in Survey No.261/1, Ammampalayam Village, Attur Taluk, Salem District.

2. According to the petitioner, she purchased the property in question under a registered sale deed vide Document No.3013/2015, dated 02.07.2015 before the Sub-Registrar, Attur, Salem District. She made a representation to the respondents herein on 02.09.2015 seeking issuance of Patta in her favour in respect of the subject land. In that regard, she also made a representation dated 07.09.2015 to the District Collector and

District Revenue Officer. Since no orders were passed on her representation, the petitioner filed W.P.No.29368 of 2015 and this Court, directed the Tahsildar, Attur Taluk, to consider her representation, after affording an opportunity of hearing to the petitioner as well as third parties, within a period of eight weeks.

3. Pursuant thereto, the Tahsildar, Attur Taluk, passed an order dated 31.03.2016 rejecting the petitioner's application, without conducting any enquiry. Hence, the petitioner preferred an appeal before the Revenue Divisional Officer, Attur Taluk, i.e. the 1st respondent herein, on 29.04.2016. Thereafter, on 28.06.2016, the 1st respondent called upon the petitioner to appear before him on 11.07.2016 and submit all original documents. Accordingly, the petitioner appeared before the 1st respondent, produced all original documents and submitted her explanation. Since no order is passed by the 1st respondent till date, the petitioner is once again before this Court seeking issuance of Patta in her favour.

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

5. Considering the facts and circumstances of the case, this Court directs the 1st respondent herein to consider the petitioner's Appeal dated 29.04.2016 seeking issuance of patta in respect of the subject property, on merits and in accordance with law, and pass appropriate orders after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Aeb

To:

1. The Revenue Divisional Officer,
Attur, Attur Taluk, Salem District.
2. The Tahsildar,
Attur, Attur Taluk, Salem Division.

+1 cc to Mr.L.Rajendran Advocate sr 7848
+1 cc to the Government Pleader High Court Madras
sr 8153

W.P.No.2908 of 2017

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