

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24047 of 2018

Ellusamy

... Petitioner

Vs

1.The District Collector,
Vellore District,
Vellore.

2. The District Revenue Officer,
Vellore District,
Vellore.

3. The Revenue Divisional Officer,
Ranipet,
Vellore District.

4.Tahsildar,
Arakonam Taluk,
Vellore District.

5. The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Kancheepuram,
Kancheepuram District.

6. Arthaneeswarar Temple,
Rep by its Trustees,
No.60, Putheri Street,
Kancheepuram,
Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing 1 to 4 respondents to consider the petitioner representation dated 28.07.2008, 11.09.2008, 08.08.2011 and 09.08.2018 thereby direct the 1 to 4 respondents to transfer the patta in the name of petitioner in respect of the properties in Survey No.18/4, 18/5, 24/2, 19/6, 23/9 and 23/12 of Melvenbakkam, Jagirthandalam Village, Arakkonam Taluk, Vellore District in the light of the

4th respondent proceedings Na.Ka.P.171/2006 dated 27.11.2006 within a stipulated period of time.

For Petitioner : Mr.B.Gopalakrishnan

For R1 to R4 : Mr.J.Ramesh, AGP

For R5 & R6 : Mr.M.Maharaja, SGP

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents 1 to 4 to consider his representations dated 28.07.2008, 11.09.2008, 08.08.2011 and 09.08.2018 with regard to transfer of patta in his name pertaining to the properties in Survey No.18/4, 18/5, 24/2, 19/6, 23/9 and 23/12 of Melvenbakkam, Jagirthandalam Village, Arakkonam Taluk, Vellore District in the light of the 4th respondent proceedings in Na.Ka.No.P.171/2006 dated 27.11.2006 within a stipulated period of time.

2. It is the case of the petitioner that his father owned the properties in question. After his demise, the petitioner has been in possession and enjoyment of the same. While so, he came to know that the name of the sixth respondent temple has been wrongly mentioned in the patta in respect of the properties in question, after UDR scheme. Immediately, he approached the Revenue authorities for patta transfer in his name. But the Revenue authorities directed the petitioner to approach the 5th and 6th respondents and get no objection certificate in this regard. Hence, the petitioner made a representation and on receipt of the same, the fourth respondent, after enquiry, sent a communication dated 27.11.2006 to the fifth respondent, based on which, the petitioner made several representations to the respondents 1 to 4 to effect name transfer, in the light of the said proceedings sent by the fourth respondent to the fifth respondent. However, none of the representations yielded any response. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4, who submitted that the respondent authority would consider the petitioner's representations and pass appropriate orders, after thoroughly looking into the legal aspects of the proceedings dated 27.11.2006 issued by the fourth respondent to the fifth respondent.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the petitioner's latest representation dated 09.08.2018 and pass

appropriate orders, on merits and in accordance with law, after looking into the legal aspects of the proceedings in Na.Ka.No.P171/2006 dated 27.11.2006 sent by the fourth respondent to the fifth respondent, by affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

msv

To

- 1.The District Collector, Vellore District, Vellore.
2. The District Revenue Officer, Vellore District, Vellore.
3. The Revenue Divisional Officer, Ranipet, Vellore District.
- 4.Tahsildar, Arakonam Taluk, Vellore District.
5. The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Kancheepuram, Kancheepuram District.

+1 CC to Mr.B.Gopalakrishnan, Advocate sr 71656.

+1 CC to Govt. Pleader sr 72027.

+1 CC to Spl. Govt. Pleader sr 72625.

सत्यमेव जयते

W.P.No.24047 of 2018

SP(06/02/2019)

WEB COPY