



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.12.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23913 of 2018

George William

..Petitioner

Vs

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

3. The Zonal Deputy Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari 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 respondents to transfer the patta and to effect mutation in the name of the Petitioner by considering the Petitioner's representation dated 22.09.2016 within the time stipulated by this Court.

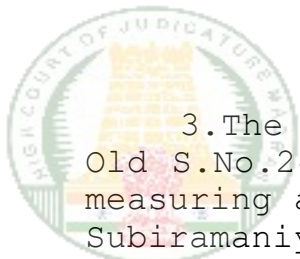
For Petitioner :Mr.K.Rajeshwaran

For Respondents :Mr.P.Kannidevan
Addl. Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to transfer the patta and to effect mutation in the name of the Petitioner by considering the Petitioner's representation dated 22.09.2016 within the time stipulated by this Court.

2.Mr.P.Kannidevan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3.The case of the Petitioner is that the property situated in Old S.No.2434 A corresponding to RS.No.359/9 of Kappiyarai Village, measuring an extent of 3 cents originally belong to Subiramaniyan @ Subiramaniya Nadar. After the demise of Subiramaniyan, the said property was inherited by his sons Rajayyan @ Mariyadhass and Joseph Nadar @Thanga Nadar. While so, Rajayyan @ Mariyadhas sold his right over three cents of property in favour of the above said Thanga Nadar @ Joseph Nadar and thus, the said Joseph Nadar @ Joseph Nadar has got the entire right over the property in R.S.No.359/9. The said Joseph Nadar by way of Gift Deed No.1679/1990, dated 11.10.1990 conveyed his right over the said three cents in favour of his daughter Pushpa Marry. A portion from the said property was taken for laying of road. In the meanwhile, the said Pushpa Marry sold the remaining portion of 1.250 cents to the Petitioner herein for a valuable consideration, by way of sale deed bearing Document No.308/2016, dated 3.2.2016 and from that date onwards, the Petitioner was in possession and enjoyment of the same. Thereafter, the Petitioner applied for transfer of patta with necessary documents and necessary fee before the third respondent and the same was not considered by the third respondent. Hence the Petitioner sent another application, dated 22.09.2016 to the third respondent for the same relief, but there was no reply from the third respondent. Hence the Petitioner sent a legal notice, dated 5.1.2017 to the respondents . It was also received and till date no action has been taken for the reasons best known to him. Hence the Petitioner seeks indulgence of this Court and filed the above Writ Petition for the relief stated supra.

4.As per the prayer, the Petitioner only seeks for transfer of patta for the land measuring an extent of 1.25 cents, which is situated at the above said village. Hence the respondent concerned is directed to consider the representation submitted by the Petitioner on 22.09.2016 for transfer of patta in respect of Old S.No.2434 A corresponding to R.S.No.359/9 of Kappiyarai Village, Kanyakumari Disstrict, after affording an opportunity of hearing to the Petitioner and other interested parties, if any, and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.with the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Nagercoil,
Kanyakumari District.



2. The Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

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3. The Zonal Deputy Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

+1cc to Mr.K.Rajeshwaran,Advocate Sr.No.98662

+1cc to SPL.Govt.Pleader, Sr.No.98635

VSN

KM/SV/SAR1/26.12.2018/3P/6C

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