



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

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CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2318 of 2018

Thiyagarajakumar

... Petitioner

Vs.

- 1.The District Collector,  
Kanyakumari District,  
Nagercoil.
- 2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Nagercoil, Kanyakumari District.
- 3.The Tahsildar,  
Thovalai Taluk,  
Kanyakumari District.
- 4.The Field Surveyor/Firka Surveyor,  
Thovalai Taluk,  
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to transfer the Patta (Patta No.3460 New Patta No.5954) in favour of the Petitioner in respect of the land comprised in R.S.No. 618/5A Old Survey No.3035 situated at Thovalai Village, Thovalai Taluk, Kanyakumari District on the basis of the petitioner's representation dated 28.12.2017 within a time frame to be stipulated by this Court.

For Petitioner : M/S.A.Elis Chitra Devi

For Respondents : Mrs.J.Padmavathi Devi,  
Special Government Pleader.

**ORDER**

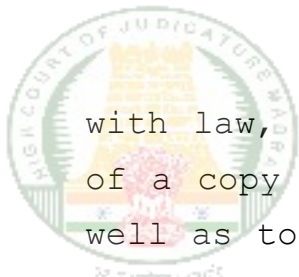
This writ petition has been filed seeking direction to the respondents 1 to 3 to transfer Patta (Patta No.3460 New Patta No. 5954) in favour of the petitioner in respect of the land comprised in R.S.No.618/5A, Old Survey No.3035 situated at Thoivalai Village, Thoivalai Taluk, Kanyakumari District by considering the representation of the petitioner dated 28.12.2017 within a time frame to be stipulated by this Court.

2.Heard Mrs.A.Elis Chitra Devi, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, he claims to be the owner of the property in R.S.No.618/5A, Old Survey No.3035 situated at Thoivalai Village, Thoivalai Taluk, Kanyakumari District and he purchased the said property from one Muthulakshmi by means of a registered sale deed dated 16.09.2016. Thereafter, he filed an application dated 28.12.2017 seeking transfer of patta in his name. Since no order has been passed, the petitioner has filed the present writ petition.

4.Learned Special Government Pleader appearing for the respondents, on instructions submitted that in respect of the same property, a civil suit in O.S.No.308 of 2003 has already been filed on the file of the I Additional District Munsif Court, Nagercoil by A.Chokkalingam and four others and a preliminary decree was passed on 15.02.2011. Based on the said decree, the said A.Chokkalingam, S/o.Arunachalam Pillai filed objection before the Tahsildar for granting patta in favour of the petitioner.

5.In such view of the matter, the third respondent is directed to consider the application of the petitioner dated 28.12.2017 and pass appropriate orders, on merits and in accordance



with law, within a period of twelve weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as to the rival parties and considering the civil court decree if any.

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6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T & P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Kanyakumari District, Nagercoil.

2. The Revenue Divisional Officer,  
Revenue Divisional Office, Nagercoil.  
Kanyakumari District.

3. The Tahsildar,  
Thoivalai Taluk, Kanyakumari District.

4. The Field Surveyor/Firka Surveyor,  
Thoivalai Taluk, Kanyakumari District.

+2cc to M/S.A.ELIS CHITRA DEVI, Advocate SR.No.46321.

+1cc to Special Government Pleader in SR.No.46932.

Writ Petition (MD) No.2318 of 2018

06.02.2018

sms

SDS/KK/SAR 1/19.02.2018/3P/8C