

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.11242 of 2019

Y.Krishnan

...Petitioner

Vs.

1.The District Collector
Salem, Salem District.

2.The Thasildar
Athur Taluk
Salem District.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to consider the representation of the petitioner dated 02.08.2018 and 02.01.2019 as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983.

For Petitioner : Mr.Senthilnathan S

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the second respondent herein to consider his representations dated 02.08.2018 and 02.01.2019, wherein and whereby, he sought for transfer of Patta in his favour as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983.

3. Heard both sides.

4. It is stated that the petitioner's father was the absolute owner of the lands comprised in Survey No.27/1, measuring an extent of 1.49 acres, Survey No.27/3, measuring an

extent of 15 cents and Survey No.27/5, measuring an extent of 1.35 acres, in total lands measuring 2.99 acres, situated in Eachampatti Village, Athur Taluk, Salem District. It is further stated that the petitioner's father died on 20.09.1999, leaving behind the petitioner and his brother as his legal heirs. It is further stated that the petitioner and his brother made a representation dated 02.08.2018, followed by a reminder dated 02.01.2019, requesting the second respondent to transfer the patta in respect of the above said lands in the names of the petitioner and his brother. However, the said representations have not been considered by the second respondent. Hence, the present writ petition.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the second respondent to consider the representations of the petitioner dated 02.08.2018 and 02.01.2019 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Mk

To

1.The District Collector
Salem, Salem District.

2.The Thasildar
Athur Taluk
Salem District.

+lcc to Mr.S.Senthilnathan, Advocate, S.R.No. 36650

+lcc to the Government Pleader, S.R.No. 37676

W.P.No.11242 of 2019

SKV(CO)

GN(20/05/2019)