

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 24.10.2019

CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.21345 of 2019

V.G.Murali

... Petitioner

Versus

1.The District Collector,
Vellore Collectorate,
Sathuvachari,
Vellore District - 632 009

2. The Tahsildar,
Walajapet Taluk,
Vellore District - 632 513.

... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondents herein to consider the petitioner's representation dated 07.01.2019, process the petitioner's application vide Application No.2018/0105/04/087348 dated 25.06.2018 and to issue patta in petitioner's name pertaining to the land comprised in Survey No.460/2 of Kalmelkuppam Village, Walajah Sub Registration District, Walajah Taluk, Vellore District.

For Petitioner .. Mr.G.Gokul

For Respondents .. Mr.J.Purushothaman,
Government Advocate

O R D E R

The petitioner herein has filed this Writ Petition seeking for issuance of Writ of Certiorarified Mandamus, directing the respondents herein to consider the petitioner's representation dated 07.01.2019, process the petitioner's application vide Application No.2018/0105/04/087348 dated 25.06.2018 and to issue patta in the petitioner's name pertaining to the land comprised in S.No.460/2 of Kalmelkuppam Village, Walajah Sub Registration District, Wallajah Taluk, Vellore District.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The petitioner herein, claiming to be the owner of land in S.No.460/2, Kalmelkuppam village, Walajah Taluk, Vellore District, has applied to the Tahsildar for issuance of patta in his favour and has produced the title deed, which is a sale deed executed by the Sub-Court, Ranipet pursuant to the decree passed in O.S.No.344/13, dated 10.01.2015 in the specific performance suit filed by the petitioner herein against Dhanalakshmi. Since the petitioner's request for transfer of patta made on 25.06.2018 is pending with the second respondent, this Writ Petition is filed for the relief stated supra.

4. In the counter affidavit filed by the second respondent, it is stated that as per "A" Register, an extent of 12.2 cents in S.No.460/2 stands in the name of the following 6 persons:-

- 1) Tmt.Mangammal, W/o.Venugopal
- 2) Thiru.Kuppusamy, S/o.Venugopal
- 3) Thiru.Sekar, S/o.Venugopal
- 4) Tmt.Tamilselvi, D/o.Venugopal
- 5) Tmt.Geetha, D/o.Venugopal
- 6) Thiru.Murugan, S/o.Venugopal

5. Till date, no change is carried out in the patta issued in favour of the above said joint pattadars. While so, one Sadagopal, S/o.Munisamy, as agent of the above 6 persons, had executed sale deed in favour of Bakthavachalam, which was registered as Doc.No.7504/08 dated 22.08.2008. Subsequently, the petitioner has sold the property in favour of Dhanalakshmi, W/o.Devaraj, vide sale deed dated 25.03.2011. According to the second respondent, the said Dhanalakshmi had sold the property to one Sampath under sale deed Doc.No.4758/18 dated 17.06.2014. Therefore, the subsequent sale deed relied by the petitioner pursuant to the decree passed in O.S.No.344/13 on the file of Sub-Court, Ranipet, which is an ex-parte decree, could not be acted upon for grant of patta.

6. It is also stated in the counter that the total extent of land in S.No.460/2 is 12.2 cents, whereas, the petitioner relies upon a sale deed executed by his vendor-Dhanalakshmi to an extent of 5 cents out of 12.2 cents without proper identified. Therefore, they are unable to make sub-division in S.No.460/2.

7. The request of the petitioner herein is to grant patta for the land which he has purchased pursuant to the decree passed by the Civil Court. If the second respondent has any dispute over the location of the property, he can give notice to all persons concerned and identify the property. Instead he has

not considered the said representation of the petitioner for quite a long time and in the counter, he has come out with new facts, which according to the petitioner had not been made known to him till date.

8. In such circumstances, the second respondent is hereby directed to cause notice to the petitioner and all other necessary persons for deciding the representation of the petitioner dated 25.06.2018 seeking issuance of patta based on the sale deed executed by the Sub-Court, Ranipet and pass appropriate order.

9. With the above direction, this Writ Petition is disposed of. No costs. The second respondent is directed to complete the above process preferably within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Vellore Collectorate,
Sathuvachari,
Vellore District - 632 009

2. The Tahsildar,
Walajapet Taluk,
Vellore District - 632 513.

+1cc to Mr.G.Gokul , Advocate SR.No. 89479

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A.SK(02/12/2019)