

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.28369 of 2019

M.Chinnusamy

... Petitioner

/versus/

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Rasipuram,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders on the petitioner's online application dated 30.08.2018 for transfer of patta in the name of the petitioner for (i) land measuring about 7.5 cents comprised in S.No.100/4A; (ii) land measuring about 1.42 $\frac{3}{4}$ acres comprised in S.No.97/1A; (iii) land measuring about 1.05 acres comprised in S.No.99/9A; (iv) land measuring about 1.01 acres comprised in S.No.99/6; (v) land measuring about 5 cents comprised in S.No.99/7 and (vi) land measuring about 2.5 cents comprised in S.No.99/8 at Anaipalayam Village, Rasipuram Taluk, Namakkal District.

For Petitioner :Mr.M.Sivavarthanan

For Respondents :Mr.J.Purushothaman, GA
for R1 and R2

O R D E R

This petition is filed seeking Mandamus to direct the respondents to pass orders on the petitioner's online application dated 30.08.2018 for transfer of patta in the name of the petitioner for (i) land measuring about 7.5 cents comprised in S.No.100/4A; (ii) land measuring about 1.42 $\frac{3}{4}$ acres comprised in S.No.97/1A; (iii) land measuring about 1.05 acres comprised in S.No.99/9A; (iv) land measuring about 1.01 acres comprised in S.No.99/6; (v) land measuring about 5 cents comprised in S.No.99/7 and (vi) land measuring about 2.5 cents

comprised in S.No.99/8 at Anaipalayam Village, Rasipuram Taluk, Namakkal District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The learned Government Advocate appearing for respondents 1 and 2 took notice and after getting instruction from the respondents reported before this Court that the online application of the petitioner dated 30.08.2018 seeking transfer of patta based on the sale deed registered on 21.08.2018 was considered and notice was sent to one Pavayee whose name the patta stood. The Tahsildar, Rasipuram, (ii)The Revenue Inspector, Rasipuram and (iii) The Village Administrative Officer, Anaipalayam were also enquired. In the Enquiry, it came to know that a suit is filed by Pavayee in O.S.No.217 of 2018 against the petitioner and others and the same is pending on the file of the Additional District Judge, Namakkal to set aside the release deed and for partition, which are relied on by the petitioner and her vendor Sudhakar. In the light of the above fact, the online application of the petitioner dated 30.08.2018 has been rejected and order has also been passed by the Tahsildar on 30.10.2018 and the same was also informed to the petitioner through messenger. This fact is suppressed by the petitioner.

4.In the light of the above fact, the relief sought for in the writ petition cannot be granted. Hence, this Writ Petition is dismissed. However, it is open to the petitioner herein to challenge the rejection of his application dated 30.10.2018 if necessary before the appropriate forum. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Namakkal District, Namakkal.

2.The Tahsildar,
Rasipuram, Namakkal District.

+1cc to Mr.M.Sivararthanan, Advocate Sr.87001

W.P.No.28369 of 2019

ln[co]
srg 21/11/2019

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