

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29544 of 2019

O.M.Ravi Ranjini

... Petitioner

/versus/

1.The State of Tamil Nadu,  
Rep.by its Secretary,  
Department of Land and Revenue,  
Fort St.George,  
Chennai-600 009.

2.The Tahsildar,  
Omalur Taluk,  
Salem District.

3.The Zonal Deputy Tahsildar,  
Omalur Taluk,  
Salem District.

4.The Sub-Registrar,  
Sub-Registrar's Office,  
Omalur Taluk,  
Salem District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner's application dated 24.11.2017 and reminder representation dated 09.04.2019 seeking for issuance of patta vide CAN No.0330810068484 and Application No.2019/0103/08/152707, for transfer of patta in my name from one Mr.Prabu for the properties situated in Survey No.40/11 and Survey No.40/18A situated at Puliyampatti Village, Omalur Taluk, Salem District.

For petitioner : Mr.M.Ezhilarasi

For Respondents : Mr.M.Thamizharasan, GA

## O R D E R

Heard the learned counsel for the petitioner and the affidavit filed along with the petition is perused.

2. The case of the petitioner is that an ex parte decree of a specific performance suit was passed in favour of the petitioner and pursuant to the decree, the sale deed was executed by the Court. The said sale deed was also registered before the Sub Registrar Office, Omalur on 23.08.2017. While so, when the petitioner sought for patta, the Sub Registrar has returned his request. Thereafter, on 09.04.2019, the petitioner herein again sent a reminder for processing his application for issuance of patta. Since the request for issuance of patta has not been considered, the present writ petition is filed seeking Mandamus to direct the respondents 2 to 4 to consider the petitioner's application dated 24.11.2017 followed by his reminder dated 09.04.2019.

3. The records relied by the petitioner herein indicate that one Prabu S/o.Manicka Mudaliar entered into sale agreement with the petitioner herein but did not execute the sale deed. Hence, a suit in O.S.No.89 of 2013 has been filed in the Sub Court, Mettur by the petitioner herein and an ex parte decree was passed against the said Prabu. Based on the ex parte decree R.E.P.No.38 of 2014 was filed by the petitioner herein and the Court has executed the sale deed on 17.12.2015, which came to be registered on 23.08.2017. Thereafter, the petitioner has filed application for transfer of patta. The respondent has intimated the petitioner to furnish the parent document for effecting mutation of revenue records. But the petitioner has not so far furnished the same.

4. Further from the submission of the Tahsildar, Omalur, this Court finds that the subject land for which the petitioner seeks patta is occupied by the 15 families for years together and as far as the petitioner concerned, who claims right through Prabu S/o. Manicka Mudaliar has not furnished the parent document to trace the title.

5. The learned Additional Government Pleader would submit that the computer patta No.132 for S.N.40/11 and 40/18/A stands in the name of one Shanmuga Mudaliar S/o.Manicka Mudaliar and Veerappa Gounder S/o.Veeramuthu. Therefore, the request of the petitioner to change the patta could not be considered.

6. In the above circumstances, this Court finds that when the vendor of the petitioner has no title or patta in his name, the request of the petitioner cannot be considered. Even though, the Court has passed ex parte decree and executed the sale deed, it is for the petitioner herein to produce relevant document to establish that his vendor had title and right over the property to alienate. Only if the petitioner is able to

produce documents to that effect, the same will be considered and appropriate orders will be passed in accordance with law.

7. With the above observation, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Secretary,  
The State of Tamil Nadu,  
Department of Land and Revenue,  
Fort St.George, Chennai-600 009.
- 2.The Tahsildar,  
Omalur Taluk,  
Salem District.
- 3.The Zonal Deputy Tahsildar,  
Omalur Taluk,  
Salem District.
- 4.The Sub-Registrar,  
Sub-Registrar's Office,  
Omalur Taluk,  
Salem District.
- 5.The Subordinate Judge,  
Mettur.

+1cc to Mr.M.Ezhilarasi, Advocate Sr.97860  
+1cc to the Government Pleader Sr.98078

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srg 26/12/2019