

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.31264 of 2016

1. R. Natarajan
2. R. Nandhagopal
3. R. Shankar
4. R. Dhanakumar @ Kumar ... Petitioners

v.

1. The District Collector,
Kancheepuram District.
2. The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.
3. The Village Administrative Officer,
Puthupakkam Village,
Chengalpattu Taluk,
Kancheepuram District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the 2nd respondent to transfer patta (mutation of names) in their joint names from their brother Venugopal's name vide Patta No.40 in respect of 10 Acres of land comprised in Survey No.150/1 at No.19, Puthupakkam Village, Tiruporur Taluk, Kancheepuram District and consequently issue the same to them.

For Petitioners : Mr. C.P. Sivamohan

For Respondents : Ms. A. Madhumathi,

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O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus, directing the 2nd respondent to transfer the patta in the name of the petitioners from their brother Venugopal's name vide Patta No.40 in respect of 10 Acres of land comprised in Survey No.150/1 at No.19, Puthupakkam Village, Tiruporur Taluk, Kancheepuram District.

2. When the Writ Petition is taken up for hearing, Ms. A. Madhumathi, learned Special Government Pleader, appearing for the respondents, submitted that Survey No.150/1A

Part is Government Poromboke land and therefore, no patta can be issued to the petitioner.

3. Mr. C.P. Sivamohan, learned counsel appearing for the petitioners submitted that the petitioners have wrongly mentioned Survey No.150/1A instead of Survey No.150/1B, which is a Punja land. Further, the learned counsel submitted that liberty may be given to the petitioners seeking for transfer of patta in respect of Survey No.150/1B.

4. The learned Special Government Pleader appearing for the respondents submitted that on submission of the fresh application by the petitioners, the 2nd respondent would consider the same, in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side, since the petitioners have filed the Writ Petition in respect of Survey No.150/1, the relief sought for in the present Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to give a fresh application seeking for transfer of patta in respect of Survey No.150/1B before the 2nd respondent, and on submission of the same, the 2nd respondent is directed to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

Rj

To

1. The District Collector,
Kancheepuram District.
2. The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.
3. The Village Administrative Officer,
Puthupakkam Village,
Chengalpattu Taluk,
Kancheepuram District.

+1cc to Government Pleader SR.No.32900

W.P.No.31264 of 2016

RR (CO)

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GMI (21/10/2020)