



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.5414 of 2020

O.Paramasivam : Petitioner

Vs.

1.The District Collector,
(Virudhunagar)
Collectorate Buildings,
Sivagasi Main Road, Virudhunagar.

2.The Revenue Divisional Officer,
Revenue Divisional Officer,
Near District Court Arupukottai,
Arupukkottai, Virudhunagar District.

3.The Tashildar Kariyapatti,
Tahsildar Office,
Aruppukottai Main Road,
Kariyapatti, Virudhunagar District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to change the name in the patta for the Survey Nos.68/15, 68/24, 70/11C,69/1 and 45/5, Thimmapuram Village, Kariyapatti Taluk, Virudhunagar District, from the name of the parents to the name of the petitioner and other legal heirs by considering the various representations of the petitioner including one dated 25.02.2020 within the stipulated period.

For Petitioner : Mr.S.Thamzharasan

For Respondents : Mr.R.Sethuraman
Special Government Pleader



ORDER

The writ petition is filed to direct the second respondent to change the name in the patta for the property in Survey Nos.68/15, 68/24, 70/11C, 69/1 and 45/5, situated at Thimmapuram Village, Kariyapatti Taluk, Virudhunagar District, from the name of the parents to the name of the petitioner and other legal heirs, by considering the various representations of the petitioner including one dated 25.02.2020 within the stipulated period.

2.Heard Mr.S.Thamizharasan, learned counsel appearing for the petitioner and Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, the petitioner made an application to the first respondent to change the name in the patta of the property in Survey Nos.68/15, 68/24, 70/11C, 69/1 and 45/5, situated at Thimmapuram Village, Kariyapatti Taluk, Virudhunagar District, from the name of the petitioner's parents to his name and other legal heirs.

4.Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner has appeared before the respondents and produced the relevant documents, but, the respondents have asked the petitioner to produce the Encumbrance Certificate for a period of 50 years. For the aforesaid reason, the enquiry conducted by the RDO has not been concluded.

5.The learned Special Government Pleader appearing for the respondents has also emphasized that if the aforesaid document will be produced by the petitioner, the petitioner's application will be considered and appropriate orders will be passed within the stipulated time.

6.In view of the submissions made by both parties, this Court is inclined to pass the following orders:

(i)The petitioner undertakes that he will submit the said Encumbrance Certificate or any other documents as required by the respondents, within a period of two weeks from the date of receipt of a copy of this order.

(ii)On production of such document, the respondents shall consider the petitioner's application dated 25.02.2020 and pass orders on merits and in accordance with law, within a period of four weeks thereafter, after giving opportunity to the interested parties, if any.



(iii)The respondents shall also send the communication to the petitioner, if any document is required to consider the claim of the petitioner.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
(Virudhunagar)
Collectorate Buildings, Sivagasi Main Road,
Virudhunagar.

2.The Revenue Divisional Officer,
Revenue Divisional Officer,
Near District Court Arupukottai,
Arupukkottai, Virudhunagar District.

3.The Tashildar Kariyapatti,
Tahsildar Office,
Aruppukottai Main Road,
Kariyapatti, Virudhunagar District.

+1 CC to M/s.Special Government Pleader (SR-13486[F] dated
31/07/2020)

Order made in
W.P. (MD)No.5414 of 2020
Dated: 30.07.2020

Ns

SDS (12.08.2020) 3P-5C

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