



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.09.2020
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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W.P. (MD) No.10937 of 2020

A.Rahmathullah

... Petitioner

Vs

1.The District Revenue Officer,
Sivagangai District.

2.The Tahsildar,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to dispose application dated 26.08.2020 given by the petitioner in respect of lands in S.No.72/2, sub division No.72/2E situated in Vetriyur Village and Group, Karaikudi Taluk, Sivagangai District within the time limit fixed by this Court.

For Petitioner : Mr.V.R.Shanmuganathan for
Mr.AL.Kannan
For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

This writ petition is filed to direct the 2nd respondent to dispose of the application dated 26.08.2020.

2.By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the petitioner is that though he made a representation dated 26.08.2020 through online before the respondents seeking to transfer the patta in respect of the petition mentioned property in favour of him, so far no action has been taken. Hence, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner has purchased the petition mentioned property under a registered sale deed dated 25.10.2010, which was executed by one Mohammed Sheriff along with his daughters. However, one M.S.Sheik Mohammed Abdullah, S/o.Mohammed Sheriff filed a suit in O.S.No.20 of 2011 on the file of the Sub Court, Devakottai for



partition against the said Mohammed Sheriff, his daughters and the petitioner. The said suit was decreed by judgment and decree dated 05.11.2012.

5. Challenging the said judgment and decree dated 05.11.2012, the petitioner has preferred an appeal in A.S.No.5 of 2013 before the District Court, Sivagangai and the same was allowed by judgment and decree dated 07.04.2014. Thereafter, the petitioner made an application before the 2nd respondent seeking to transfer the patta in his favour and by proceedings dated 31.10.2017, the 2nd respondent had rejected the claim of the petitioner stating that a suit in O.S.No.24 of 2016 on the file of the Principal District Court, Karaikudi filed by one Abdul Rahman is pending.

6. The learned counsel would further submit that the petitioner filed an interlocutory application in I.A.No.254 of 2017 in O.S.No.24 of 2016 under Order VII Rule 11 (d) CPC for rejection of plaint on the ground of *resjudicata* and the same has been allowed by the learned District Munsif, Karaikudi, by order dated 21.12.2017. No appeal or revision has been preferred by the said Abdul Rahman and that therefore, the order dated 21.12.2017 had attained finality. Hence, he would submit that there is no legal impediment for granting patta in the name of the petitioner in respect of the petition mentioned property.

7. In reply, the learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation dated 26.08.2020, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 2nd respondent to consider the petitioner's representation dated 26.08.2020 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunities to the parties concerned, if necessary;

9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (III)

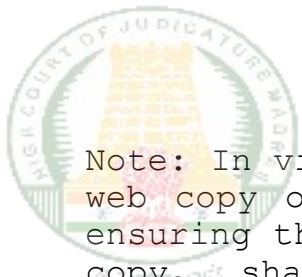
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/ /2020

Sub Assistant Registrar(CS)

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To

1. The District Revenue Officer,
Sivagangai District.
2. The Tahsildar,
Karaikudi,
Sivagangai District.

+1 CC to the Spl GP (SR-16221[F] dated 08/09/2020)

W.P. (MD) No.10937 of 2020

07.09.2020

CS(15.09.2020) 3P 4C