



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.14100 of 2020

I.Ajay Deva Sahayam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Office of the District Collector,
Tirunelveli Town.

4.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to transfer the patta in favour of the petitioner, vide Can No.0332603072495 and Application No.2019/0105/29/112694 in respect of the property measuring 70 Acres in Survey Nos.819/2A1, 819/1C1A, 819/2A2A2, 819/2A2A1, 818/1A , 818/1B, 814/1B, 816/2A1, 818/2B1A1, 820/3B, 820/4, 814/1A2A, 712/3A1A1, 712/3A2A, 690B/1A, 690B/2, 692A/8, 717/2, 717/3A, 717/3B, 717/3C, 717/3D, 717/4, 717/5, 717/11, 717/15, 717/16, 717/17, 717/18, 717/24, 705/6, 705/8, 718/1A, 718/1B, 718/2, 719/2, 719/4, 724/2, 708A/1, 708A/3, 708A/4, 770/2, 770/9, 772/3, 775/2B, 787/2, 790, 793/1, 793/2, 793/3, 794, 694/4A, 694/4B, 695, 696/6, 697/1A, 681/4, 690B/5BE, 701A/3, 701A/8A, 701A/8B, 701A/8C, 710/1A, 710/1C1A1A1, 710/1C2, 710/1C3, 712/3A1A1, 712/3A2A, 712/3B, 714/2, 714/4, 715/2A1, 715/2A2A, 715/2A2B, 718/2, 802/2A, 802/2B1, 802/2B2, 802/2B3, 810/2, 810/7B, 717/1, 717/2, 717/3A, 717/3B, 717/3C, 717/3D, 717/4, 717/5, 717/11, 717/15, 717/16, 717/17, 717/18, 717/24, 811/1A, 811/1B, 811/1C, 811/2A, 811/2B, 811/3B1, 811/3B2, 813/1B, 814/1A1, 814/1A2A, 814/1A2B, 814/1B in Pudukulm Village and Survey Nos.331, 330B/1, 330B/2 in Itteri Village, Palayamkottai Taluk, Tirunelveli District based on the petitioner's representation dated 17.09.2020.

For Petitioner
For Respondents

: Mr.K.Neelamegam
: Mr.P.Kannithevan,
Additional Government Pleader



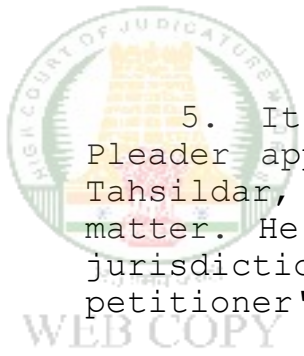
ORDER

This writ petition has been filed for issuance of a direction to the fourth respondent to transfer the patta in favour of the petitioner, vide Can No.0332603072495 and Application No.2019/0105/29/112694 in respect of the property measuring 70 Acres in Survey Nos.819/2A1, 819/1C1A, 819/2A2A2, 819/2A2A1, 818/1A, 818/1B, 814/1B, 816/2A1, 818/2B1A1, 820/3B, 820/4, 814/1A2A, 712/3A1A1, 712/3A2A, 690B/1A, 690B/2, 692A/8, 717/2, 717/3A, 717/3B, 717/3C, 717/3D, 717/4, 717/5, 717/11, 717/15, 717/16, 717/17, 717/18, 717/24, 705/6, 705/8, 718/1A, 718/1B, 718/2, 719/2, 719/4, 724/2, 708A/1, 708A/3, 708A/4, 770/2, 770/9, 772/3, 775/2B, 787/2, 790, 793/1, 793/2, 793/3, 794, 694/4A, 694/4B, 695, 696/6, 697/1A, 681/4, 690B/5BE, 701A/3, 701A/8A, 701A/8B, 701A/8C, 710/1A, 710/1C1A1A1, 710/1C2, 710/1C3, 712/3A1A1, 712/3A2A, 712/3B, 714/2, 714/4, 715/2A1, 715/2A2A, 715/2A2B, 718/2, 802/2A, 802/2B1, 802/2B2, 802/2B3, 810/2, 810/7B, 717/1, 717/2, 717/3A, 717/3B, 717/3C, 717/3D, 717/4, 717/5, 717/11, 717/15, 717/16, 717/17, 717/18, 717/24, 811/1A, 811/1B, 811/1C, 811/2A, 811/2B, 811/3B1, 811/3B2, 813/1B, 814/1A1, 814/1A2A, 814/1A2B, 814/1B in Pudukulm Village and Survey Nos.331, 330B/1, 330B/2 in Itteri Village, Palayamkottai Taluk, Tirunelveli District based on the petitioner's representation dated 17.09.2020.

2. Mr.P.Kannithevan, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the land measuring 70 Acres in several Survey numbers as stated above is the ancestral property of the petitioner's father. On 12.05.2018, the petitioner's father executed settlement deed in favour of the petitioner at Sub Registrar Office, Surandai, Book No.1, Document No.1940/2018, 1936/2018, 1937/2018 and 3572/2018. Thereafter, the petitioner is enjoying the said property without any hindrance till date. Now the petitioner made online application on 14.09.2020 to transfer the Patta in his name and the same was accepted by the fourth respondent, Tahsildar vide Can No.0332603072495 and Application No.2019/0105/29/112694. Subsequently the petitioner sent a representation to the respondents on 17.09.2020 along with necessary documents. But, the said representation was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 17.09.2020 is disposed of by the respondents at the earliest after providing adequate opportunity to the petitioner.



5. It is represented by the learned Additional Government Pleader appearing for the respondents that the fourth respondent, Tahsildar, Kadayanallur Taluk has no jurisdiction to deal with the matter. He further submitted that the Tahsildar, Palayamkottai has jurisdiction and he is the competent authority to consider the petitioner's representation.

6. Hence, the Tahsildar, Kadayanallur Taluk, Tirunelveli District (Now Tenkasi District), is directed to forward all the necessary documents, received from the petitioner, to the Tahsildar, Palayamkottai forthwith. On receipt of the said documents, the Tahsildar, Palayamkottai is directed to consider the representation of the petitioner, dated 19.06.2019 and pass appropriate orders in accordance with law, after hearing the petitioner and necessary parties, if there is no legal impediments to do so. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed wherever it is applicable.

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Office of the District Collector,

<https://hcservicescourts.gov.in/hcservices/>.



4.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

5.The Tahsildar,
Palayamkottai

+1 CC to M/s.K. NEELAMEGAM, Advocate (SR-19678[F] dated
12/10/2020)

+1 CC to M/s.SPL GP (SR-19793[F] dated 12/10/2020)

W.P (MD) No.14100 of 2020
09.10.2020

SS (CO)
KB (10.11.2020) 4P 8C