



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.10.2020

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD).No.15014 of 2020

P.Raman

.. Petitioner

vs.

1.The District Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Zonal Deputy Tahsildar,
Athoor Taluk, Dindigul District.

.. Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, by directing the 3rd respondent to take the petitioner's objection petition dated 16.10.2020 on the file for consideration while dealing with the subject matter of issuance of patta in respect of the properties situated in three survey numbers namely S.No.228/5C(49 Cents), S.No.228/5F(45 Cents) and S.No.228/5H(20 Cents) at Ambathurai Village, Dindigul District and consequently, dispose of the same in accordance with law.

For Petitioner :Mr.R.Anand

For Respondents :Mr.J.Gunaseelan Muthiah

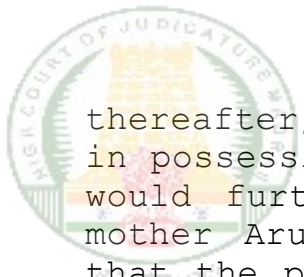
Additional Government Pleader

O R D E R

Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.J.Gunaseela Muthiah, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

2.The prayer in the writ petition is to issue a writ of mandamus directing the third respondent to take the petitioner's objection dated 16.10.2020, while dealing with the subject matter of issuance of patta, in respect of the properties situated in survey numbers, namely, S.No.228/5C(49 Cents), S.No.228/5F(45 Cents) and S.No.228/5H(20 Cents) at Ambathurai Village, Dindigul District.

3.It is the case of the petitioner that the lands in S.Nos.228/5C, 228/5F and 228/5H, situated at Ambathurai Village, Dindigul District, were purchased by his father, Paduthevan, who had four sons, viz., Karian, Perumal, Kamatchi and Raman (Petitioner herein) and his father passed away on 11.05.1982 and



thereafter, the four sons and their mother Aruthiammal have been in possession and enjoyment of the said properties. The petitioner would further state that one of his brothers, Perumal and his mother Aruthiammal also died subsequently. It is further stated that the petitioner and his brother have also acquired another 30 cents by way of purchase and thereafter, entered into a partition and each of them was allotted 49 cents.

4.The grievance of the petitioner is that when Karian was having 1/3rd share in the said properties, with *malafide* intention, he executed a settlement deed in respect of the entire property in favour of his daughter, Thevatchiammal, who in turn, sold the property in favour of one Velmurugan, son of Nagappan. It is also alleged that the said Thevatchiammal, without impleading the petitioner filed a suit in O.S.No.253 of 2015 and obtained an order behind his back and the purchaser-Velmurugan is attempting to transfer patta in his favour and hence, the petitioner made an objection to the third respondent through e-mail.

5.The learned counsel appearing for the petitioner would state that it would suffice, if a direction is issued to the third respondent to consider the objection of the petitioner, while considering the application for transfer of patta in favour of the said Velmurugan.

6.The learned Additional Government Pleader appearing for the respondents would state that the third respondent has not yet received any objection from the petitioner. If any objection is given by the petitioner, that would be considered in accordance with law.

7.In the light of the prayer sought for in the writ petition and the submission of the learned counsel for the petitioner, this Writ Petition is disposed of, directing the petitioner to give objections, if any, afresh by enclosing a copy of this order forthwith. If any objection is received, the third respondent shall consider the same when the purchaser Verlmurugan seeks transfer of patta in his name in respect of the properties in S.Nos.228/5C, 228/5F and 228/5H, situated at Ambathurai Village. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To **மேலாட்சி**

WEB COPY

- 1.The District Revenue Officer,
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- 3.The Zonal Deputy Tahsildar,
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+1 CC to SGP (SR-20636[F] dated 23/10/2020)

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