



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.18561 of 2015

M/s.SRP Rock Exports,
represented by its Partner,
Saravanan

... Petitioner

vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cherenmahadevi, Tirunelveli.

3.The Tahsildar,
Radhapuram Taluk, Tirunelveli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent herein to consider and dispose of the petitioner's representation, dated 20.09.2015 on merits and in accordance with law.

For Petitioner	: Mr.R.Jothiramalingam
For Respondents	: Mr.C.Ramar
	Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to direct the third respondent herein to consider and dispose of the petitioner's representation, dated 20.09.2015 on merits and in accordance with law.

2.The petitioner states that it is a Firm and that the petitioner Firm purchased a land measuring to an extent of 2.70 acres comprised in S.No.841/2 situated at Kannanllur Village, Radhapuram Taluk, Tirunelveli District, by way of a registered sale deed, dated 09.11.2011. It is also stated that one Vadivu claiming title to the property filed a civil suit in O.S.No.14 of 2015 on the file of the Subordinate Court, Valliyur and that the said suit was dismissed on 30.04.2015. It is further stated that the said Vaidvu, who has failed to establish her title as against the respondent herein, before the Civil Court, has executed a document of



conveyance in favour of third party and that the said document was registered in a different Sub Registrar Office.

3. Since the purchaser could make an application for transfer of patta, the petitioner has approached the third respondent and gave its objection to effect any mutation of revenue records on the basis of fraudulent sale deed. Apprehending that the third respondent may not take any action, the petitioner has approached this Court.

4. The petitioner ought to have impleaded the third party, at whose instance, the third respondent is likely to receive an application for transfer of patta. Be that as it may, the petitioner has given a representation to the third respondent on the basis of title and Civil Court decree. The third respondent is bound to consider the same. In the said circumstances, this Court is inclined to issue the following directions:

4.1. If any application is received by the third respondent regarding transfer of patta or mutation of name in the revenue records in respect of the land in S.No.841/2 (2.70 Acres) in Kannanllur Village, Radhapuram Taluk, Tirunelveli District, third respondent is directed to issue notice to the petitioner and then consider the objection of the petitioner before passing any order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cmr

To

1. The District Collector,
Tirunelveli District.

2. The Revenue Divisional Officer,
Cherenmahadevi, Tirunelveli.



3.The Tahsildar,
Radhapuram Taluk, Tiruenveli District.

+1 CC to M/s.SPL.GP (SR-4411[F] dated 03/02/2020)

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-4516[F] dated
03/02/2020)

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31.01.2020

avs (CO)
TR(13.02.2020) 3P 6C