



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No. 489 of 2020

S.Muthammal

...Petitioner

Vs.

1. Tahsildar
Polur Taluk
Taluk Office, Polur,
T.V. Malai District.
2. Shantha
3. Usharani
4. Tamilselvi
5. Venkatesan
6. Ravichandran
7. P.Sivalingam
8. P.Varadhan
9. Palani

[R2 to R9 were impleaded as per order
dated 10.02.2020 made in W.M.P.No.3846/2020
in W.P.No.489 of 2020]

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application for Sub Division Patta Transfer Vide Can.No.0330602151166 and Application No.2018/0105/06/111735, dated 23.10.2018 and pass orders within the time to be fixed by this Court.

For Petitioner : Mr.M. Venkatakrishnan

For R1 : Mr.V.Veluchamy
Government Advocate

For RR 2 to 5 : Mr.N. Senthil

For RR 6 to 8 : Notice Served-Name Printed
No Appearance

For R9 : Deceased



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's application for Sub Division Patta Transfer Vide Can.No.0330602151166 and Application No.2018/0105/06/111735, dated 23.10.2018 and pass orders within the time to be fixed by this Court.

2. According to the petitioner, the aforesaid land measuring to an extent of 0.51 cents in S.F.No.21/3A situated at Keezhchettipattu Village, Thiruvannamalai Taluk and District ancestrally belonged to one Gopal Gounder, S/o. Poongavana Gounder and he was in absolute possession and enjoyment of the same. On 11.12.1961, the said Gopal Gounder executed a Sale Deed registered as Document No.7076 of 1961 dated 11.12.1961 by way of gift and gifted land measuring to an extent of one cent of land to the fourth respondent with specific boundaries for the purpose of digging well for supplying potable water to the villagers. Due to the passage of time, the said Well was not in use and the same was closed and the said one cent of land was annexed with Thandarampattu-Thiruvannamalai Road and is being used as road as of now. While so, a partition took place between his forefather Gopal Gounder and his sons Munusamy Gounder, Narayanasamy Gounder, Pandurangan and Chinnakulandai and the same was reduced in writing on 12.06.1978 and registered as Document No.1134 of 1978 whereby 0.17 cents on the western side of the above said land along with specific boundaries was allotted to the share of Munuswamy and he was in absolute possession and enjoyment of the same. Subsequently, the said Munuswamy vide Sale Deed registered as Document No.1194 of 1981, dated 17.04.1981 alienated 0.12 cents out of his 0.17 cents with specific boundaries to one Janakiram Mudaliar. After the death of Janakiram Mudaliar, his legal heirs alienated 0.06 cents of lands out of 0.12 cents with specific boundaries to the petitioner vide Sale Deed registered as Document No.1180 of 1986 dated 21.04.1986 and the petitioner is in possession and enjoyment of the property. When the petitioner was constructing some shops in his purchased lands in 2015, the 4th respondent herein prevented him from constructing the shops, and on verification of records, it was found that the patta was issued in the name of the Panchayat measuring to an extent of 0.01.0 ares (i.e., 2 ½ Cents) instead of one cent. Hence, the copy of the said patta is not available with him and the Revenue Authorities would have misunderstood one cent as one are and issued the Patta in the name of the fourth respondent. Therefore, the petitioner had sent a legal notice dated 24.06.2015 before the first respondent to rectify the said mistake and a copy of the same was forwarded by the 1st respondent to the respondents 2 and 3, but, there was no reply from the respondents. Therefore, the petitioner sent a representation dated 05.07.2021 before the respondents requesting them to cancel the Patta issued in



favour of the 4th respondent herein. But the respondents have not taken any steps in this regard. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's application dated 23.10.2018 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's application or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the first respondent to consider the petitioner's application dated 23.10.2018 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as necessary parties within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

msm

To

Tahsildar
Polur Taluk
Taluk Office, Polur,
T.V. Malai District.

+1cc to M/s.M.venkatakkrishnan, Advocate, S.R.No.49132

W.P.No.489 of 2020

KSM(CO)
SB(23/11/2021)