



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1360 of 2020

K.Varadaraj

... Petitioner

Versus

1. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2. The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 30.09.2019 for transfer of patta, in respect of lands measuring an extent of 2.31 Acres comprised in Survey No.79/4A of Porpadakurichi Village, Kallakurichi Taluk and District, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

O R D E R

This writ petition is filed for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 30.09.2019 for transfer of patta, in respect of lands measuring an extent of 2.31 Acres comprised in Survey No.79/4A of Porpadakurichi Village, Kallakurichi Taluk and District.



2. The case of the petitioner is that he purchased the land to an extent of 2.31 Acres, out of 4.67 Acres, comprised in Survey No.79/4A of Porpadakurichi Village, Kallakurichi Taluk and District, from Mani @ Ramasami, by way of sale deed dated 29.05.2006, registered as Document No.1247/2006, on the file of Joint Registrar - II, Kallakurichi. Ever since the date of purchase, the petitioner is in peaceful possession and enjoyment of the said land by cultivation. It is stated that a well is located in Survey No.79/4B and by laying pipes in underground, the petitioner is irrigating to the land in Survey No.79/4A. It is further stated that the petitioner is remitting necessary Kist to the concerned authorities. Patta No.1007 in respect of Survey No.79/4A and others stand in the name of one Narayanan, petitioner's predecessor in title. It is stated by the petitioner that despite repeated request, the Revenue Authorities have not transferred the revenue records from his predecessor in title to his favour. It is further stated that taking advantage of the Computerized patta, which stands in the name of the original owner, some third parties are trying to create encumbrance over the said property of the petitioner. Hence, the petitioner submitted a representation dated 30.09.2019 to the respondent to transfer the patta in his favour. Since there is inaction on the part of the respondents, the petitioner filed this present Writ Petition.

3. Learned counsel for the petitioner submitted that the petitioner is put to hardship and is unable to avail agricultural loan for developing the lands without the computerised patta. He further submitted that the first respondent is the competent authority for transferring patta to the petitioner. Hence, he seeks to direct the first respondent to consider the petitioner's representation dated 30.09.2019.

4. Learned Government Advocate appearing for the respondents produced the order of the Revenue Tahsildar in Na.Ka.A3/143/2020, dated 06.03.2020, wherein it is stated that the land said to have been owned by the petitioner has been assigned to Adi Dravidar people and the said purchase of land by the petitioner is violation of rule. Hence, the Revenue Tahsildar rejected grant of patta to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on both sides, this Court is not inclined to allow this petition since the land purchased by the petitioner belongs to Adi Dravidars, patta cannot be transferred in favour of the petitioner or to any other person who does not belong to Adi Dravidars. Though the Revenue Tahsildar granted liberty to the petitioner to file an appeal within thirty days, the petitioner failed to do the same. Learned counsel for the petitioner submitted that the copy of the order of Revenue



Tahsildar has not been served on the petitioner. It is not known to this Court as to whether order copy of the Revenue Tahsildar has been served on the petitioner.

Accordingly, this writ petition is dismissed with the liberty to the petitioner to approach the concerned authorities for appropriate relief in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
2. The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.44830
+1cc to the Government Pleader, S.R.No.44900

W.P.NO.1360 OF 2020

PA (CO)
PBS/01/12/2021