



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.4688 of 2020

B.Senthilbala

...Petitioner

Vs.

1. The District Collector,
Cuddalore District.
- 2.The District Revenue Officer,
Cuddalore District.
3. The Revenue Divisional Officer,
Cuddalore District.
4. The Tashildar,
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the fourth respondent to transfer the patta for the land in T.S.No.1789 Block No.47, Ward No.5, Thirupathiripuliyur Village, Cuddalore Municipality in the name of the petitioner, in furtherance of the order of the third respondent in Na.Ka.A.5864-2018, dated 26.02.2019 based on the petitioner's representation 21.12.2018 within time stipulated by this Court.

For Petitioner : Mr.M.Ajay Kumar

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to transfer the patta for the land in T.S.No.1789 Block No.47, Ward No.5, Thirupathiripuliyur Village, Cuddalore Municipality in the name of the petitioner, in furtherance of the order of the third respondent in Na.Ka.A.5864-2018 dated 26.02.2019 based on the petitioner's representation 21.12.2018 within time stipulated by this Court.



2. The case of the petitioner is that the property measuring to an extent of 5837 Sqft. In T.S.No.1789, Block No.47, Ward No.5, Thirupathiripuliyur Village, Cuddalore Municipality was originally belonged to one Gurusamy Achari S/o.Kumarapa Achari vide three registered Sale Deeds dated 21.10.1993, 22.06.1996 and 05..03.1997 respectively and since then he has been in exclusive possession and enjoyment of the same. In the meanwhile, one Dhatchinamurthy was a tenant of Gurusamy Achary in a small portion of the property and was running business. Thereafter, the said Dhatchinamurthy has refused to vacate the property and Gurusamy Achari filed a suit in O.S.No.116 of 1987 before the Principal District Munsif Court, Cuddalore and the same was ordered against one Mr.Dhatchinamurthy. Aggrieved over the same, Dhatchinamurthy has preferred an appeal in S.A.No.230 of 1991. During the pendency of the appeal, Gurusami Achari died in the year 1998. After his demise, his wife Pushpavathi Ammal entered into a compromise with Dhatchinamurthy and after receiving the said amount of Rs.1,40,000/-, Mr.Dhatchinamurthy had vacated from the said premises and he has also executed a handing over a letter on 18.11.1998. Based on the said compromise between them, the second appeal was disposed of. Subsequently, one Murugan, son of Dhatchinamurthy by way of fabricated document claiming the right over the portion and the petitioner herein has filed a suit in O.S.No.381 of 2001 on the file of Principal District Munsif Court, Cuddalore and compromise was entered into between them. Based on which, a memo of compromise was filed before the Court below and subsequently, he is in possession and enjoyment of the property. However, Patta and all the Revenue Records stands in the name of the Late. Gurusamy Achari and a small portion of the land, Patta are stands in the name of the deceased Dhatchinamurthy. Hence, he made a representation dated 21.12.2018 before the respondents to transfer the patta for the land in T.S.No.1789, Block No.47, Ward No.5, Thirupathiripuliyur Village, Cuddalore Municipality in the name of the petitioner. In pursuant to the order passed by the 4th respondent in Na.Ka.A.5864-2018 dated 26.02.2019 and hearing all the parties involved in this case including the said Murugan, the Tahsildar, Cuddalore District and to pass appropriate order for transferring the Patta to the petitioner's name for the aforesaid land. In spite of the aforesaid order passed, the Patta for a small portion of the aforesaid land still stands in the name of the deceased Dhatchinamurthy. Thereafter, the petitioner made another representation dated 21.12.2018, till now, no action has been taken by the fourth respondent. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction



is issued to the 1st respondent to consider the petitioner's representation dated 21.12.2018 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 representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 21.12.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gba/msm
To

- 1.The District Collector,
Cuddalore District.
- 2.The District Revenue Officer,
Cuddalore District.
3. The Revenue Divisional Officer,
Cuddalore District.
4. The Tashildar,
Cuddalore District.

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