



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.18371 OF 2021

Ponnusamy

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Salem District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Taluk, Salem District.
3. The Tahsildar,
Attur Taluk Office,
Attur Taluk, Salem District.
4. The Deputy Tahsildar,
Attur Taluk Office,
Attur Taluk, Salem District.
5. The Village Administrative Officer,
Ramanaickenpalayam Village and Post,
Attur Taluk,
Salem District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents particularly 3rd to 5th respondents to issue transfer of patta in petitioner's name and also mutate revenue records in S.No.686/6 to an extent of 3.07 acres S.No.687/1 to an extent of 5.80 acre S.No.688/5 to an extent of 1.13 acre at Ramanaickenpalayam North Village and Post, Attur Taluk, Salem District.

For Petitioner : Mr.G.Mohammed Aseef
for Mr.P.R.Venkatesh Masethung

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



ORDER

The petitioner has filed a mandamus to direct the respondents 3 to 5 to transfer the patta into the petitioner's name and also mutate revenue records in S.No.686/6 to an extent of 3.07 acres, S.No.687/1 to an extent of 5.80 acres and S.No.688/5 to an extent of 1.13 acre at Ramanaickenpalayam North Village and Post, Attur Taluk, Salem District.

2.The case of the petitioner is that the petitioner had purchased the above said properties from Dhanam, Jaya and Parvathi through their Registered Power of Attorney viz., Periyaswamy vide Document No.632/2005 before the SRO, Attur and the petitioner is in possession and enjoyment of the property.

3.According to the petitioner, one Sengodan was claimed right over his property and Sengodan filed a suit for declaration in O.S.No.153 of 2005 on the file of the District Munsif Court, Attur against the petitioner and his vendors. According to the petitioner, he has also filed a suit for permanent injunction in O.S.No.6 of 2007 on the file of the District Munsif Court, Attur and both the suits were clubbed together and conducted joint trial by the District Munsif Court.

4.The petitioner further submits that on 09.02.2018, the District Munsif Court dismissed the declaration suit filed by Sengodan in O.S.No.153 of 2005 and decreed the suit filed by the petitioner for permanent injunction in O.S.No.6 of 2007 restraining Sengodan from interfering with the suit schedule properties of the petitioner. According to the petitioner, Sengodan had not preferred any appeal as against the aforementioned judgments and hence the judgments have attained finality.

5.According to the petitioner, he has applied before the third respondent Tahsildar for transfer of patta transfer in his name on 29.05.2018. The third respondent directed the petitioner to produce all the relevant documents pertaining to the properties and the petitioner has produced all the documents before the third and fourth respondents and the fourth respondent only conducted the enquiry after receiving all the documents.

6.The petitioner submits that the fourth respondent vide his proceedings dated 22.08.2019 in Na.Ka.No.611/339/2019/A3 issued transfer of patta order in favour of the petitioner and also ordered to remove the previous pattadars name and a copy of the aforementioned proceedings was also marked to the fifth respondent/ the Village Administrative Officer in order to carry out the necessary changes in the revenue records.



7.The petitioner further submits that despite the fourth respondent proceedings as well as the District Munsif Court's order in favour of the petitioner, till date patta was not mutated in his name.

8.The petitioner is left with no other remedy except to approach this Court under Article 226 of the Constitution of India.

9.The learned Government Advocate submits that the Zonal Deputy Tahsildar already removed the names of other parties and included the petitioner's name. The learned Government Advocate further submits that the judgment of the District Munsif Court taken on file and no appeal has been filed by other parties as against the aforesaid judgment.

10.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

11.On going through the materials on record and the submissions made by the learned Government Advocate for the respondents, this Court is of the view that the petitioner is directed to submit a fresh application before the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. If any application is received from the petitioner within the said period, the respondents shall consider the same and pass appropriate orders in accordance with after affording an opportunity to the petitioner within a period of 12 weeks from the date of receipt of the application.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
District Collectorate Office,
Salem District.



2. The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Taluk,
Salem District.

3. The Tahsildar,
Attur Taluk Office,
Attur Taluk,
Salem District.

4. The Deputy Tahsildar,
Attur Taluk Office,
Attur Taluk,
Salem District.

5. The Village Administrative Officer,
Ramanaickenpalayam Village and Post,
Attur Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.44551

W.P.No.18371 of 2021

RLD(CO)
CS/20/09/2021