



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO. 18027 OF 2021

S.Kathiresan

.. Petitioner

Versus

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Sankari,
Salem District.

3.The Tahsildar,
Sankari Taluk,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to transfer the patta in the petitioner name for the property comprised in Survey No. 101/8 to an extent of 1.87 Acres situated at Agraharam Thalaiyur Village, Magudanchavadi, Sankari Taluk, Salem District by considering the petitioner's representation dated 25.01.2021.

For Petitioner : Mr. R.Jayaprakash

For Respondents : Mr. Yogesh Kannadasan
Government Advocate

O R D E R

Mr. Yogesh Kannadasan, learned Government Advocate, takes notice for the respondents. With the consent of all the parties, this matter is taken up for final hearing at the admission stage itself.



2. This writ petition is filed for the issuance of a writ of mandamus, directing the 3rd respondent to transfer the patta in the petitioner's name for the property comprised in Survey No. 101/8 to an extent of 1.87 Acres situated at Agraharam Thalaiyur Village, Magudanchavadi, Sankari Taluk, Salem District by considering the petitioner's representation dated 25.01.2021.

3. The case of the petitioner is that he purchased the property comprised in Survey No.101/8 to an extent of 1.87 Acres from one P.Palaniappan and his brothers by way of a sale deed dated 18.02.2011, registered under Doc. No.1103 / 2011 on the file of SRO, Magudanchavadi, He submitted a representation on 05.07.2011, to the third respondent for transfer of patta in his name and the same was not considered. Hence, he filed a suit in O.S. No.238 of 2011 on the file of the District Munsif Court, Sankari, seeking direction to direct the third respondent to transfer the patta in his name for the said property and also for mandatory injunction. The said suit was decreed by a judgment and decree dated 20.07.2012, directing the third respondent to transfer the patta in his name. Since no action was taken by the third respondent, he approached this Court by way of filing a writ petition in W.P. No.8286 of 2014, seeking direction to direct the third respondent to grant patta in his name pursuant to the judgment and decree dated 20.07.2021, passed in O.S. No.238 of 2011. This Court, by order dated 06.03.2015, directed the third respondent herein to consider and dispose of the representation of the petitioner dated 10.10.2012, within a stipulated time. Thereafter, the petitioner sent a representation to the respondents with all the relevant documents and a copy of the order dated 06.03.2015. The second respondent, by his proceedings in Na.Ka.No.3126/2019(C) dated 06.11.2019, directed the third respondent to take necessary action. The third respondent in turn vide his proceedings in Na.Ka.No.2456 of 2019 (C) dated 21.11.2019, directed the Revenue Divisional Officer, Sankari, to take action and the same was not considered. Hence the petitioner submitted a representation to the respondents again on 18.08.2020 and the first respondent by his proceedings in Oo.Mu.29534/2020/E1 dated 20.11.2020, again forwarded the petitioner's representation to the second respondent. Subsequently, the petitioner had also filed an application for transfer of patta on 25.01.2021 before the third respondent and the same is pending till date. The grievance of the petitioner is that, without considering the representations, the respondents are forwarding the representations among themselves and the petitioner was made to run from pillar to post for getting patta from the year 2011, which really caused hardship to the petitioner. Hence, with no other alternative remedy, the petitioner had filed this present writ petition seeking direction to direct the third respondent to transfer the patta in his name.



4. Learned Government Advocate appearing for the respondents submitted that the authorities will consider the representation of the petitioner and pass appropriate orders after considering all the documents filed by the petitioner within a time stipulated by this Court.

5. On going through the averments, it is clear that the petitioner is unable get patta since the respondents have not chosen to consider her case and pass appropriate orders. Though there is a civil Court's decree in O.S. No.238 of 2011, wherein the lower Court has given a decree that the respondents 1 and 3 shall transfer the patta within a period of two months, no action is taken so far to transfer patta in the name of the petitioner. The petitioner had also filed a writ petition before this Court and this Court by order dated 06.03.2015, directed the respondents 1 and 3 to consider the petitioner's representation for grant of patta, within a period of four months. The same has also not been considered by the respondents, and the reasons for not considering the representations of the petitioner was not stated by any of the authorities in their proceedings. Since 2011, the petitioner has been aggrieved by the act of the respondents. Hence, this Court is inclined to take a serious view on the inaction on the part of the respondents and hereby directs the third respondent to consider the petitioner's representation dated 25.01.2021, and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Failing which, the first respondent is directed to take serious action against the authorities concerned.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem District,
Salem.



2.The Revenue Divisional Officer,
Sankari,
Salem District.

3.The Tahsildar,
Sankari Taluk,
Salem District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.43598
+1cc to the Government Pleader, S.R.No.43648

W.P. No. 18027 of 2021

AD(CO)
PM/21/09/2021