



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18665 of 2021

Mr.D.Vanju Gandhi

... Petitioner

Vs.

The Tahsildar,
Anaicut Taluk,
Taluk Office,
Anaicut,
Vellore District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to the respondent to consider the petitioner's application for patta transfer vide Can. No.0330410062518 and Application No.2021/0103/04/198441 dated 22.07.2021 and pass orders within the time to be fixed by this Court.

For Petitioner : Mr.Venkatakkrishnan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to the respondent to consider the petitioner's application for patta transfer vide Can. No.0330410062518 and Application No.2021/0103/04/198441 dated 22.07.2021 and pass orders within a time frame.

2.The case of the petitioner is that the agricultural land measuring an extent of 0.38.5 hectares comprised in Punja Survey No.40/1 in Pulimedu Village, then Vellore Taluk, now Anaicut Taluk, Vellore District was originally belonged to Mr.C.Tamodharan son of Mr.Chinnaiya Gounder, patta also stands in the name of the said C.Tamodharan vide Patta No.260.

3.The petitioner submits that in an execution proceedings levied by one Mrs.Kamalammal wife of Chinnaiya Reddiar for realising the decree amount vide E.P.No.19 of 2005 in O.S.No.616 of 1989 before the Principal Subordinate Judge, Vellore, the property was brought to Court auction, he had participated in the Court auction sale held on 17.12.2012 and declared as a successful bidder and subsequently, the sale was



also confirmed by the Court on 18.02.2013.

4.The petitioner further submits that the sale certificate issued by the Court was also duly registered before the jurisdictional Sub Registrar, viz., S.R.O. Pallikonda on 18.02.2013 as Document No.2 of 2013 and pursuant to the warrant issued by the Court dated 01.04.2019, the possession of the property was handed over to him on 15.04.2019 and the Court had also issued a necessary possession certificate.

5.According to the petitioner, from 15.04.2019 he is in possession and enjoyment of the property measuring an extent of 0.38.5 hectares comprised in Punja Survey No.40/1 in Pulimedu Village, then Vellore Taluk, now Anaicut Taluk, Vellore District.

6.According to the petitioner, after taking possession of the lands several times, he personally approached the Revenue Authorities including the Village Administrative Officer and other officials in the Taluk Office and requested for transfer of patta in his name, there is no proper response from the local Revenue Officers including the respondent.

7.The petitioner submits that on advice, he applied for patta transfer through on-line as required under the new scheme on 22.07.2021 and his application has been registered as Can. No.0330410062518 and Application No.2021/0103/04/198441.

8.The petitioner further submits that he apprehend that the respondent and other field staffs are deliberately delaying transfer of patta in his name on the failure to understand the legal scope and effect of the orders passed by the Executing Court.

9.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

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

11.In view of the above and considering the submission made by the petitioner, this Court is of the view that the respondent shall consider the application dated 22.07.2021 and pass appropriate orders by considering the seniority of the application pending for disposal in accordance with law, after affording an opportunity to the petitioner, within a period of six months from the date of receipt of a copy of this order.



12. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pam

To

The Tahsildar,
Anaicut Taluk,
Taluk Office,
Anaicut,
Vellore District.

+1cc to Mr.M.Venkatakkrishnan, Advocate, S.R.No.44797

+1cc to the Government Pleader, S.R.No.45516

W.P.No.18665 of 2021

PL(CO)
GN(01/11/2021)