



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.18655 of 2021

M.Valliyammal

... Petitioner

Vs.

1. The District Collector,
Villupuram District.

2. The Sub-Collector,
Kallakurichi,
Villupuram District.

3.Marimuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to the 2nd respondent to conduct the enquiry on the petitioner's representation dated 03.12.2018 preferred before the 1st respondent for patta name transfer and complete the same in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.Yogesh Kannadasan for R1 & R2
Government Advocate

ORDER

This writ petition has been filed for a mandamus to the second respondent to conduct the enquiry on the petitioner's representation dated 03.12.2018 preferred before the first respondent for patta name transfer and complete the same in accordance with law within a time frame.

2.The case of the petitioner is that her father-in-law has own house in Survey No.424/1 situated at Pasar Village, Sankarapuram Taluk, Villupuram District an extent of 0.1.84 ares and after demise of her father-in-law, her husband viz. Muthu had possession of the above said property as a sole legal heir



and after demise of her husband, at present she enjoyed peaceful possession of the said property and applying for patta name transfer in her name and she has electricity connection No.81 in her husband's name and she has paid property tax for more then 10 years in her husband name.

3.The petitioner submits that she went to Chennai for cooli work, the third respondent got UDR Patta in his name in Patta No.457 for her property with malafide intention and he also got chitta in his name.

4.The petitioner further submits that after came to know on 19.11.2018, she made representation to the first respondent in-person and no action has been initiated and subsequently on 13.12.2018, she made another representation before the first respondent in-person in petition No.2018/9005/07/800191/1203 dated 03.12.2018 for cancelling the patta name transfer in favour of the third respondent and requested to patta name transfer in her favour for the above said property and the same was forwarded to the second respondent to conduct enquiry and take appropriate action for patta name transfer.

5.According to the petitioner, on 27.12.2018 the second respondent sent summons to her and the third respondent for enquiry and informed them to appear before the second respondent on 12.02.2019 at 11.00 A.M. along with necessary documents and she appeared before the second respondent along with all necessary documents and requested him to initiate appropriate action for patta name transfer and thereafter, the second respondent did not initiate further steps to complete the enquiry and pass orders.

6.The petitioner submits that as per G.O.(Ms)No.385 dated 17.08.2004 issued by the Secretary of the Revenue Department that if any defect made in the revenue records, the Sub-Collector or the Tahsildar or the Village Administrative Officer shall conduct the enquiry on the defective records among the parties for rectification of the said defects in the revenue records, the second respondent is the Competent Authority to conduct enquiry and pass order for patta name transfer under the aforesaid Government Order, but he failed to conduct and complete the enquiry on her representation dated 03.12.2018, but the same has not been considered.

7.The petitioner further submits on 06.05.2019, she narrated all the above facts and preferred detailed representation to the respondents 1 and 2 and other Higher Officials by Registered Post to complete the enquiry on her representation dated 19.11.2018 and 03.12.2018 and requested them to initiate



necessary action for patta name transfer, but the same has not been considered till date.

8.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.

9.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2 and perused the materials available on record.

10.In view of the above and considering the submission made by the petitioner, this Court is of the view that the official respondents shall consider the representation dated 03.12.2018 sent by the petitioner and pass appropriate orders in accordance with law, after affording an opportunity to all the parties concerned, within a period of four months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pam

To

1. The District Collector,
Villupuram District.

2. The Sub-Collector,
Kallakurichi,
Villupuram District.

+1CC to Mr.Government Pleader, Sr.No.45515

W.P.No.18655 of 2021

AD (CO)
K.RK. (02.11.2021)