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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19538 of 2021

N.Rajendran

...Petitioner

Vs.

1. The District Collector,
Tirupur District,
Tirupur.

2. The Tashildar,
Avinashi Taluk,
Tirupur District,

3. The Village Administrative Officer,
Avinashi Taluk,
Tirupur District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.06.2020 and consequently direct the respondents to issue patta in the name of the petitioner and the petitioner's family members namely the legal heirs of Late Nanjan for the land measuring an extent of 3.45 Acres in S.F.No.519/4 of Puthupalayam Village, Avinashi Taluk.

For Petitioner : Mr.Deepan Uday

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 03.06.2020 and consequently direct the respondents to issue patta in the name of the petitioner and the petitioner's family members namely the legal heirs of Late Nanjan for the land measuring an extent of 3.45 Acres in S.F.No.519/4 of Puthupalayam Village, Avinashi Taluk.



2. The case of the petitioner is that the property in S.F.No.519/4 measuring an extent of 3.45 Acres of Puthupalayam Village, Avinashi Taluk, Tirupur District, belongs to the petitioner's father Mr.Nanjan and he was in absolute possession and enjoyment of the same. The patta was also issued in his name in Patta No.972. The Nanjan died intestate on 07.01.2017 leaving behind his Wife Palanal, Sons Rajendran, Ramasamy and Daughter Santhi as his legal heirs. After the death of Nanjan, they are in continuous possession and enjoyment of the above said property, hence their names have to be included in patta for the above said land. But, the respondents 2 and 3 not transferred the patta in their names, and without any intimation or notice, the respondents 2 and 3 removed the name of Nanjan from the patta. The petitioner, Son of Late Nanjan, visited the 2nd respondent office and requested to transfer the patta in their names, but there was no response from the respondent. The petitioner made a representation to the 2nd respondent on 03.06.2020 enumerating the entire facts along with the patta, death certificate and legal heirs certificate of Nanjan, but in spite of the same, the respondent has not taken any action on his representation and therefore, he approached this Court by filing this Writ Petition.

3. In this regard, the Learned Government Advocate appearing for the respondents has produced a copy of the letter dated 18.09.2020 in Na.Ka.No.2652/2021/A3 sent by the Tashildar, Avinashi, wherein, it is stated that the petitioner has given a representation for transfer of patta to the land in S.F.No.519/4 measuring an extent of 3.45 Acres of Puthupalayam Village, Avinashi Taluk, but the said patta is an empty patta, and either his father's name Mr.Nanjan or the Survey Number has been entered in the Village Chitta. The patta claimed by the petitioner is for the Poramboke Land and therefore, it was not transferred to the petitioner's name. Further, it is stated that the persons namely Ponnusamy, Pappathi, Ammavasai Kutti, Ponnachi, Rajendran and Rangasami, are doing cultivation in the above said land in S.No.519/4A by paying B Memo charges to the Government and they belong to Adi Dravidar Caste.

4. In view of the above letter dated 18.09.2020 sent by the Tashildar, Avinashi and on perusal of the materials on record, it is seen that the petitioner is doing cultivation in the above said land for several years and he seeks name transfer, based on the patta issued in the name of his father Mr.Nanjan. The patta copy has been produced before this Court, wherein, the name of the petitioner's father is clearly found in the same.

5. Taking into consideration the said fact, this Court hereby directs the 2nd respondent to conduct an enquiry on the petitioner's representation dated 03.06.2020 and pass



appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and other necessary parties concerned within a period of four months from the date of receipt of a copy of this order.

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6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector, Tirupur District, Tirupur.
2. The Tashildar, Avinashi Taluk, Tirupur District,
3. The Village Administrative Officer,
Avanashi Taluk, Tirupur District.

+1cc to the Government Pleader, S.R.No.49481

W.P.No.19538 of 2021

SRA(CO)
RGA(26/11/2021)