



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.19447 of 2021

Mr B.Parthasarthy

...Petitioner

-Vs-

1.The Village Administrative Officer (VAO)
Anaikkataputhur Village,
Arakonnam Taluk.
Sagayathottam Post,
Ranipet District.

2.The Tahsildar
Arakonnam Taluk,
Sagayathottam Post.
Ranipet District.

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus directing the Respondents to issue Patta for vacant land bearing S.No. 225/4, at Anaikkataputhur Village, Arakonnam Taluk. Sagayathottam Post, Ranipet District, in favour of the Petitioner and pass orders accordingly.

For Petitioner :: M/s. R.V. Gayatri
(For M/s.P.B. Ramanujam)

For Respondents :: Mr.K.M.D. Muhilan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to issue Patta for vacant land bearing S.No.225/4, at Anaikkataputhur Village, Arakonnam Taluk. Sagayathottam Post, Ranipet District, in favour of the Petitioner and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the vacant land comprised in S.No. 225/4, Anaikkataputhur Village, Arakonnam Taluk, Sagayathottam Post, Ranipet District, measuring an extent



of 3 cents (hereinafter referred to as the "said property"), having inherited the same on the demise of petitioner's father, namely. Late. Balu Mudaliar. Originally the said lands were owned by the petitioner's grandfather Late G. Kuppusamy and his brother Late Murugappa Mudali. The said Murugappa Mudali died issueless and the petitioner's grandfather G.Kuppusamy died leaving behind his only son, namely, Balu Mudaliar. Since the petitioner is the only son and only surviving legal heir of Late Balu Mudaliar, the petitioner is in possession and enjoyment of the said property since 1974, after the demise of his father. In order to have the said property assessed in the name of the petitioner, he approached the Tahsildar/the 2nd Respondent herein, to issue the Patta in his favour and requested for a name change/transfer in the Patta. In this regard, the petitioner had issued a letter dated 10.02.2021 requesting the 2nd Respondent/Tahsildar to issue Patta in his name in respect of the said property. Thereafter, the 2nd Respondent/Tahsildar, on having verified the revenue records informed the petitioner that he has to obtain clearance from the Village Administrative Officer (VAO)/the 1st Respondent herein. Hence, the petitioner made the same request to the 1st Respondent and also informed him that it was only after obtaining clearance from him for issuance of Patta, the Tahsildar/the 2nd Respondent will transfer the Patta in his name. However, in spite of several requests and reminders, the said VAO/1st Respondent turned a deaf ear and did not bother to even answer the query of the petitioner. Hence, the petitioner was constrained to issue a legal notice dated 21.03.2021, calling upon the 1st Respondent to take necessary action for issuing Patta in favor of him. The 1st Respondent even after receipt of the same, neither took necessary action to issue clearance for Patta to be issued in the name of the petitioner nor sent any reply/response to the same.

3. It has been further submitted that the petitioner being a senior citizen, at the age of 73, he was made to run from pillar to post and even after all the effort he had put in, the petitioner is not able to get Patta in his name. The VAO/ 1st respondent had completely ignored the requests of the petitioner and he was sidelined every time. In fact, in the midst of the Covid-19 pandemic, the petitioner had approached the authorities concerned whenever he was asked to meet them. However, the respondents have not considered the representations made by the petitioner herein.

4. The learned Government Advocate for the respondents would submit that the respondents may be directed to issue Patta in favour of the petitioner after verifying the relevant documents relied by him.



5. Heard the learned counsel for the petitioner and the learned counsel for the respondents as well as perused the material available on records.

6. Having considered facts and circumstances of the case and submissions made by the learned counsel on either side, without expressing any opinion with regard to merits of the case, the respondents are directed to consider and pass orders on the representations made by the petitioner herein in accordance with law after verifying the relevant documents with regard to the said property within a period of four months from the date of receipt of copy of this order.

7. With the aforesaid directions, the Writ petition stands disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Lbm

To:

1.The Village Administrative Officer (VAO)
Anaikkataputhur Village,
Arakonnam Taluk.
Sagayathottam Post,
Ranipet District.

2.The Tahsildar
Arakonnam Taluk,
Sagayathottam Post.
Ranipet District.

+1 CC to Mr.P.B. Ramanujam, Advocate sr 46761.
+1 CC to The Government Pleader sr 47231.

W.P. No.19447 of 2021

CP(CO)
SP(01/11/2021)