

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM :
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.17711 of 2020

C.Bhuvaneswari

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Petitioner

Vs.

1.The District Collector of Villupuram
Collectorate
Collector Office Road
Moovendar Nagar
Villupuram - 605 602.

2.The Revenue Divisional Officer
Villupuram - 605 602.

3.The Tahsildar
Tindivanam Taluk Office
Kamatchi Amman Koil Street
Tindivanam - 604 001.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's application No.2018/0105/07/143644 dated 13.11.2018 for sub division and patta transfer for sub dividing the petitioner's lands measuring 30 cents (0.12.0 ares) comprised in Old Survey No.73/9, New Survey No.32/4 in Kootteripattu Village, Tindivanam Taluk, Villupuram District and issue fresh patta to the same as per the settlement deed dated 21.11.2013, registered as Doc.No.6342 of 2013 at the Sub Registrar's Office, Mailam.

For Petitioner : Mr.R.Agilesh

For Respondents : Mr.E.Balamurugan
Special Government Pleader

ORDER

The petitioner in this case has applied to the third respondent / Tahsildar with his representation dated 13.11.2018 for sub-division and issuance of patta in his name as concerning 30 cents of property he says he owns in Old Survey No.73/9 correlated to new Survey No.32/4, Kootteripattu Village, Tindivanam Taluk, Villupuram District based on a settlement deed dated 21.11.2013 and registered as Doc.No.6342 of 2013 of Mailam Registry.

2. Mr.E.Balamurugan, learned Special Government Pleader entered appearance for the respondents and made a statement on instructions that an enquiry was conducted on 12.04.2019 on the representation of the petitioner dated 13.11.2018, and final proceedings was passed by the Tahsildar on 16.04.2019.

3. The learned counsel for the petitioner would now interject to submit that as per his instructions, no notice of enquiry was ever received by his party and that he has not even participated in such enquiry as has been stated in the impugned proceedings and till date, he has not even received the copies of the proceedings.

4. The learned Government Advocate would now say that since applications are made online, messages might have been given through SMS and the parties might have missed it.

5. Suffice to state that inasmuch as the petitioner's representation is not favourably considered by the Tahsildar, the third respondent, the petitioner may approach the Appellate Authority. As and when an appeal is filed, the Appellate Authority may entertain the same without any reference to limitation, since there is a dispute that the copies of the proceedings of the Tahsildar dated 16.04.2019 have not been served on the petitioner. The petition is disposed of accordingly. Further to facilitate the further process, the Tahsildar is now required to send a copy of the proceedings to the petitioner within a period of 15 days from today.

6. Post the matter for reporting compliance on 18.02.2021.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

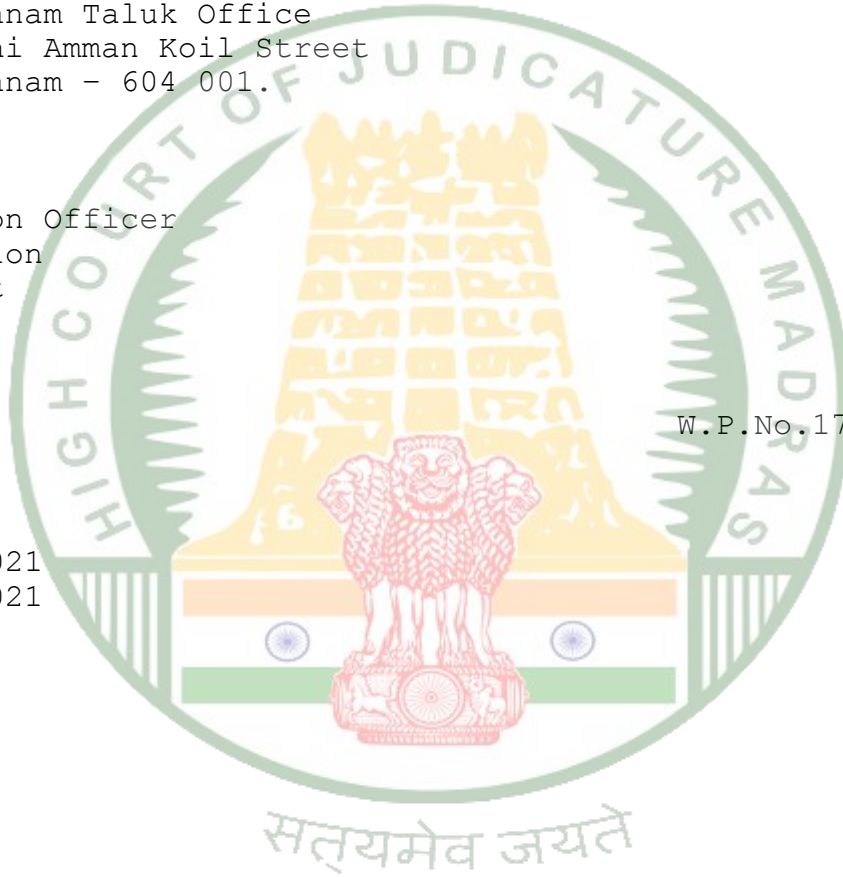
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Copy to

The Section Officer
Writ Section
High Court
Madras

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