



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21476 of 2021

O.M.Ravi Rajini

... Petitioner

Versus

1. The State of Tamilnadu,  
Represented by its Secretary,  
Department of Land and Revenue,  
Fort St.George, Chennai - 009.
2. The District Collector,  
Collectorate, Salem.
3. The District Revenue Officer,  
DRO's Office, Salem,
4. The Tahsildar,  
Omalur Taluk, Salem District,
5. The Village Administrative Officer,  
Puliyampatti Village,  
Omalur Taluk, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider and pass orders in the petitioner's appeal dated 22.01.2021 and direct the fourth respondent to effect patta transfer of 84 Cents of land under Survey Nos.40-11 and 40-18A in Puliyampatti Village at Omalur Taluk, Salem District in Petitioner's favour.



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For Petitioner : Mr.Thanga Vadhava Balakrishnan

For Respondents : Mr.Yogesh Kannadasan  
Government Advocate

### ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the second respondent to consider and pass orders in the petitioner's appeal dated 22.01.2021 and direct the fourth respondent to effect patta transfer of 84 Cents of land under Survey Nos.40-11 and 40-18A in Puliampatti Village at Omalur Taluk, Salem District.

2. The case of the petitioner is that one Prabhu son of Manicka Mudaliar entered into an unregistered sale agreement with respect to 84 cents of land under Survey No.40-11 and 40-18A in Puliampatti Village at Omalur Taluk, Salem District, on 11.12.2012 for a valuable consideration of Rs.1,40,000/-, an amount of Rs.1,20,000/- (One Lakh Twenty Thousand only) has been paid to the vendor in advance and the balance payable on execution of the sale deed. After execution of the sale agreement, the vendor failed to come forward and execute the sale deed. Therefore, the petitioner filed a Suit in O.S.No.89 of 2013 before the District Munsif, Mettur, under the specific performance Act, and the same was decreed on 25.10.2013 in favour of the petitioner. Thereafter, the petitioner filed an Execution Petition in R.E.P.No.38 of 2014, wherein the Judgment Debtor Mr.Prabhu, Son of Manicka Mudaliar absented himself, he was ex-parte and therefore, the learned District Munsif, Mettur executed the sale deed in favour of the petitioner after accepting the deposit of balance sale consideration before the court.

3. According to the petitioner the said sale deed was registered as Document No.5743 of 2017, dated 17.11.2017 on the file of Sub-Registrar Office, Mettur. Thereafter, he has approached the fourth respondent/Tahsildar on 24.11.2017 seeking for transferring of Patta to the petitioner's name based on the registered sale deed, but no action has been taken by the fourth respondent. Therefore, he sent a reminder dated 09.04.2019 to the respondents which was also ignored by the respondents.



Subsequently, he has filed a writ petition in W.P.No.29544 of 2019 and the same was disposed of by directing the respondents to consider the petitioner's representation, dated 22.11.2019 and the copy of the same was received on 08.02.2020. Therefore, the petitioner made a fresh application dated 10.02.2020 along with the relevant documents by enclosing the copy of the order in W.P.No.29544 of 2019 to the fourth respondent but the same was rejected stating that there were objection from the people living adjacent to the said property. Immediately after, the petitioner met with the fourth respondent in person and submitted all the relevant documents twice. Thereafter, the petitioner made another representation dated 17.06.2020 and a reminder on 15.10.2020 before the 2nd respondent. Since there was no response from the other side, the petitioner preferred an appeal dated 22.01.2021 before the second respondent/District Collector and the same is pending till date. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

4. Heard both sides and perused the materials available on record.

5. Having regard to the limited scope of the prayer, this Court is inclined to pass the following order:-

The 2nd respondent/District Collector, Salem, is hereby directed to dispose of the appeal dated 22.01.2021 filed by the petitioner as against the proceedings in Se.Mu.Na.Ka.No.3321/2019 (B2), dated 08.06.2020 within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

gba/msm



To

1. The Secretary,  
State of Tamil Nadu,  
Department of Land and Revenue,  
Fort St.George, Chennai - 009.

2. The District Collector,  
Collectorate, Salem.

3. The District Revenue Officer,  
DRO's Office, Salem,

4. The Tahsildar,  
Omalur Taluk, Salem District,

5. The Village Administrative Officer,  
Puliyampatti Village,  
Omalur Taluk, Salem District.

+1CC to M/s.Thanga Vadhana Balakrishnan, Advocate, SR.No. 52546  
+1CC to The Government Pleader, SR.No. 52764

W.P.No.21476 of 2021

AP(CO)  
B.VC (08/11/2021)