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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.21840 OF 2021

(THROUGH VIDEO CONFERENCE)

D.Balasundaram

.. Petitioner

Versus

1. The District Revenue Officer,
O/o District Collector,
Ranipet District.
2. The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Ranipet District.
3. The Tahsildar,
Arakkonam Taluk,
Ranipet District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to pass orders on the representation dated 24.08.2021 by transferring the patta from the petitioner's father Late.Duraisamy name to the petitioner's name for the survey numbers S.Nos.255/2, 255/3, 255/4, 255/5, 259/3, 259/4, 259/7, 259/8, 259/12, 259/15, 259/10 & 259/21 measuring an extent of 65.00 cents at Kizhpakkam Madura Rajapalayam Village, Arakkonam Taluk, Ranipet District.



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For Petitioner : Mr.C.Balasundar
For R.Balamurugan

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

This petition has been filed for a Writ of Mandamus seeking for a direction to the 3rd respondent to pass orders on the representation dated 24.08.2021 by transferring the patta from the petitioner's father Late.Duraisamy name to the petitioner's name for the survey numbers S.Nos.255/2, 255/3, 255/4, 255/5, 259/3, 259/4, 259/7, 259/8, 259/12, 259/15, 259/10 & 259/21 measuring an extent of 65.00 cents at Kizhpakkam Madura Rajapalayam Village, Arakkonam Taluk, Ranipet District.

2. The petitioner's father owned the lands comprised in S.Nos.306/11, 259/11A, 259, 11B, 259/13, 259/14, 259/16, 259/17A, 259/17B, 259/18, 259/19, 259/2, 259/5, 259/6, 259/9, 252/4, 255/1, 258/1, 258/2, 258/3, 258/4 & 212 along with the petitioner's land in survey numbers S.Nos.255/2, 255/3, 255/4, 255/5, 259/3, 259/4, 259/7, 259/8, 259/12, 259/15, 259/10 & 259/21 measuring an extent of 65.00 cents situated at Kizhpakkam Madurai Rajapalayam Village, Arakkonam Taluk, Ranipet District, by registered sale deeds dated 21.01.1980, 22.01.1980 and 04.06.1980 and registered as document Nos.75/1980, 78/1980 and 2338/1980 respectively at S.R.O. Arakkonam. After issuing patta, the petitioner purchased the above properties along with his own properties in the same village.

3. The Revenue Officials, while issuing patta to the petitioner's father, included the petitioner's property's survey numbers along with his father's property's survey numbers and issued patta bearing No.258 in the name of the petitioner. The petitioner requested the third respondent to rectify the same but the third respondent did not respond to the request made by the petitioner and further did not issue patta in the name of the petitioner for the purchased properties. The petitioner submits that he approached the respondents 1 and 2 to issue patta in the petitioner's name by excluding the survey numbers



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of the father's property and to issue separate patta for the property which stands in his name as per the sale deeds dated 21.01.1980, 22.01.1980 and 04.06.1980 in registered document Nos.75/1980, 78/1980 and 2338/1980 at S.R.O. Arakkonam. The said Authorities have not considered the representation dated 23.07.2021 sent by the petitioner for transferring the patta, as there is no encumbrance in the said lands, as the Encumbrance Certificate shows that the petitioner's lands are standing in the name of the petitioner. As the Authorities did not consider the same, the petitioner again sent a representation dated 24.08.2021, seeking to exclude the petitioner's father's lands, which has been clubbed together with his lands and to issue patta in favour of the petitioner for an extent of 65 cents in Kizhpakkam Madura Rajapalayam Village, Arakkonam Taluk, Ranipet District in S.Nos.255/2, 255/3, 255/4, 255/5, 259/3, 259/4, 259/7, 259/8, 259/12, 259/15, 259/10 & 259/21. Till date, the Authorities have not acted upon the representation made by the petitioner dated 24.08.2021. Therefore, the petitioner, left with no other alternative remedy, has approached this Court with the aforesaid prayer.

4. On going through the said documents in the typed set of papers, the sale deeds stand in the name of the petitioner and the patta bearing S.No.258 stands in the name of the petitioner's father for the lands purchased by the petitioner in S.Nos.255/2, 255/3, 255/4, 255/5, 259/3, 259/4, 259/7, 259/8, 259/12, 259/15, 259/10 & 259/21 and it also included the petitioner's father's lands in S.Nos.306/11, 259/11A, 259, 11B, 259/13, 259/14, 259/16, 259/17A, 259/17B, 259/18, 259/19, 259/2, 259/5, 259/6, 259/9, 252/4, 255/1, 258/1, 258/2, 258/3, 258/4 & 212. The petitioner filed an online application on 23.07.2021 and on 24.08.2021, he also sent another representation but the same were not considered.

5. Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents.

6. This Court is of the view that as only two months have gone by after the submission of the petitioner's request, his case would have been kept under consideration and as the petitioner has given an online application to the Authorities on 23.07.2021, this Court directs the Authorities to consider the same and pass orders, based on the documents and if necessary,



shall give him an opportunity of hearing and then pass appropriate orders on merits and in accordance with law within a period of four(04) months from the date of receipt of a copy of this order.

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7. With these observations, this Writ Petition stands Disposed of. No costs.

Sd/-
Assistant Registrar(CJ Conf)

// True Copy //

Sub Assistant Registrar

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To:

1. The District Revenue Officer,
O/o District Collector,
Ranipet District.
2. The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Ranipet District.
3. The Tahsildar,
Arakkonam Taluk,
Ranipet District.

W.P.No.21840 of 2021

AK(CO)
RLP(11/11/2021)