



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21935 of 2021

S.Raghupathy

..Petitioner

Vs

1. The District Revenue Officer
Kancheepuram District
2. The Revenue Divisional Officer
Kancheepuram, Kancheepuram District
3. The Tahsildar
Kancheepuram Taluk, Kancheepuram District
4. The Tahsildar
Walajabad Taluk, Kancheepuram District
5. The Revenue Inspector
Walajabad Taluk
Kancheepuram District.

..Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the Respondents to transfer the patta in favour of the petitioner herein in respect of land to an extent of 0.26 cents in S.No.531/8C (now sub divided as S.No.531/8B) situated at Uthukkadu Village, (then Kancheepuram Taluk) now Walajabad Taluk, Kancheepuram District.

For Petitioner : Mr.R.Kuyilan

For Respondents : Mr. Yogesh Kannadasan
Government Advocate



O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the Respondents to transfer the patta in favour of the petitioner herein in respect of land to an extent of 0.26 cents in S.No.531/8C (now sub divided as S.No.531/8B) situated at Uthukkadu Village, (then Kancheepuram Taluk) now Walajabad Taluk, Kancheepuram District.

2. It is the case of the petitioner that he is in possession and enjoyment of the land to an extent of 0.26 cents in S.No.531/8C (now sub divided as S.No.531/8B) situated at Uthukkadu Village, (then Kancheepuram Taluk) now Walajabad Taluk, Kancheepuram District, as per deed of settlement dated 3.5.2006 executed by his mother vide doc.no.3573 of 2006 in the office of the Sub Registrar, Walajapet. Thereafter, the petitioner sent a representation to the 3rd respondent on 04.10.2010 seeking transfer of patta. Since no action was taken for transfer of patta in his favour, the petitioner was forced to file a writ petition before this Court in W.P No.2883 of 2011 for a writ of mandamus directing the 3rd respondent herein to consider his representation and to issue a patta in his favour and on 08.02.2011, this Court was pleased to pass the following order:

"considering the nature of relief sought and without going into the merits of the case, the writ petition is disposed of with a direction against the respondent to consider the representation of the petitioner dated 4.10.2010 for the purpose of issuance of patta on merits and pass appropriate orders thereon in accordance with law within eight weeks from the date of receipt of a copy of this order. No costs".

After the receipt of the said order, the 3rd respondent had issued a letter dated 29.4.2011 stating that the said patta was wrongly entered in the name of Gajendran (uncle of the petitioner herein) under UDR Scheme and it has to be rectified by the 1st respondent herein through the 2nd respondent herein. Thereafter, conducting proper enquiry, the 3rd respondent herein in his proceedings dated 21.08.2012 stating that since the patta was wrongly entered in the name of Gajendran under UDR Scheme and based on the koorchit in the year 1983 and since there is no objection by the Village Administrative Officer and village



public to transfer the patta in the name of the petitioner herein, recommended the 2nd respondent to transfer the patta in his favour. Subsequently, the 2nd respondent herein also in his proceedings dated 6.12.2012, recommended the 1st respondent to transfer the patta in his favour in respect of the subject matter of the property.

3. It is further averred by the petitioner that the District Collector, Kancheepuram in his proceedings dated 02.08.2013 stated that this Court directed the 3rd respondent to take appropriate steps to transfer the patta in favour of the petitioner. But the 3rd respondent, without passing any order, stated that since the representation of the petitioner is in connection with the UDR Scheme, sending the files to this office is an unnecessary one and directed the 3rd respondent himself to pass orders for transferring the patta in the name of the petitioner. Thereafter, the 2nd respondent also sent a communication to the 3rd respondent on 25.02.2014 to take steps to transfer the patta in his favour. Eventhough the entire revenue officials directed the 3rd respondent herein to transfer the patta in the name of the petitioner, the 3rd respondent has not taken any fruitful steps to change the patta in his favour in respect of the subject matter of the property. Thereafter, Walajabad Region was bifurcated and separate Walajabad Taluk was created, once again the petitioner sent a representation to the 4th respondent on 8.11.2018 for changing the patta in his favour along with all the previous records. The 4th respondent in his letter dated 27.11.2018 enclosing his representation dated 8.11.2018 to the 5th respondent and instructed him to file a report based on the petitioner's representation dated 8.11.2018. Despite several visit to the 5th respondent office, till date no action has been taken on his representation. Hence, with no other alternative remedy except to approach this Court, the petitioner has filed the present petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and also perused the materials on record.

5. Considering the facts and circumstances of the case and also without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 08.11.2018 and pass orders on



merits and in accordance with law within a period of five months from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The District Revenue Officer
Kancheepuram District
2. The Revenue Divisional Officer
Kancheepuram, Kancheepuram District
3. The Tahsildar
Kancheepuram Taluk, Kancheepuram District
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Walajabad Taluk, Kancheepuram District
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Walajabad Taluk, Kancheepuram District.

+1CC to M/s.P.Dinesh Kumar, Advocate, SR.No. 53760

+1CC to The Government Pleader, SR.No. 54238

W.P No.21935 of 2021

PVS(CO)

B.VC (08/11/2021)