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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No.22590 of 2021

M.Dhanabal

.. Petitioner

Versus

1. The District Collector,
Erode, Erode District.

2. The Revenue Divisional Officer,
Erode, Erode District.

3. The Tahsildar,
Taluk Office,
Kodumudi, Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records on the file of the third respondent, in O.Mu.No.1014/2021/A1, dated 29.07.2021 and quash the same and consequently direct the respondents to effect transfer of patta in the name of the petitioner.

For Petitioner : Mr. S.Kaithamalai Kumaran

For Respondents : Mr.Yogesh Kannadsan
Government Advocate

O R D E R

This writ petition is filed to quash the order of third respondent in O.Mu.No.1014/2021/A1, dated 29.07.2021 and to consequently direct the respondents to effect transfer of patta in the name of the petitioner.

2. The case of the petitioner is that he purchased the agricultural land bearing Survey No.206 to an extent of 9.00 acres situated at Murungaiyampalayam Village, Kodumudi, from



Malaichamy, S.Palanisamy and P.Sridhar, and the same was registered with Sivagiri Sub Registrar Office bearing registration No.324 of 2021. It is stated that after the purchase of the lands, the petitioner is in peaceful possession and enjoyment of the said property. It is further stated that the petitioner applied for change of patta for the said land on 28.06.2021. Since there was no reply, the petitioner made a representation on 07.07.2021 to the respondents 1 to 3 to transfer patta in his name. It is stated that since there was no response from the respondents, the petitioner approached this Court by filing a writ petition in W.P. No.17590 of 2021. At the time of admission of the writ petition, the respondents have informed that an order has been passed by the respondents on the representation of the petitioner. Hence, this Court by its order dated 27.08.2021, closed the said writ petition with a liberty to the petitioner to challenge the said order.

3. It is stated that the third respondent passed an order in O.Mu.No.1014/2021/A1 dated 29.07.2021, informing that there is a case pending before the Hon'ble Supreme Court, with regard to payment of compensation to the farmers affected by Noyyal River Pollution matters. It is further submitted that the Government of Tamil Nadu in the first respondent's official Gazette, dated 13.10.2017 have notified the lands which were covered under the Revenue Recovery Proceedings. It is stated that the lands are not covered under the Revenue Recovery Act. Hence, the petitioner filed this writ petition.

4. Learned counsel for the petitioner submitted that the petitioner's lands are not covered under the Revenue Recovery Proceedings and therefore, the petitioner is entitled for patta. He further submitted that the order passed by the third respondent in O.Mu.No.1014/2021/A1 dated 29.07.2021, is without application of mind and the same has to be quashed.

5. Learned Government Advocate appearing for the respondents submitted that the petitioner may submit a fresh representation to the respondents and the respondents may consider the same and pass orders.

6. Considering the facts and circumstances of the case, this Court directs the petitioner to submit a fresh representation along with necessary documents to the respondents and the respondents shall consider the petitioner's representation and after verifying whether the petitioner's lands are covered in under the Revenue Recovery Proceedings, pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of representation from the petitioner.



7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

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//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Collector,
Erode, Erode District.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Tahsildar,
Taluk Office,
Kodumudi, Erode District.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.54593
+1cc to the Government Pleader, S.R.No.55042

W.P. No.22590 of 2021

CP(CO)
CB(03/02/2022)