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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23297 of 2021

S.Anandhan

...Petitioner

Vs.

1. The District Collector,
Chennai District
Rajaji Salai,
Chennai - 600 001

2. The Tahsildar,
Puraisawalkam Taluk office,
Chennai - 3

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus directing the 2nd respondent to transfer patta in favour of 'Velappadi R.Annamalai Chettiar Pariyal Late V.A.Duraikannammal Trust' in respect of property bearing R.S.Nos.1151,1084, 1150 situated at Old Door No.23, New Door No.16, Pethunaicken pettai, first Narayanan Street, George Town, Chennai - 600 001.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The present Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus directing the 2nd respondent to transfer patta in favour of 'Velappadi R.Annamalai Chettiar Pariyal Late V.A.Duraikannammal Trust' in respect of property bearing R.S.Nos.1151,1084, 1150 situated at Old Door No.23, New Door No.16, Pethunaicken pettai, first Narayanan Street, George Town, Chennai - 600 001.



3. The brief facts of the case is that the petitioner's grand father created a private trust in the name of "Velappadi R.Annamalai Chettiar Pariyal Late V.A.Duraikannammal Trust" and transferred the above property to the trust, then the benefits derived from the property was utilized by the trust. Thereafter, the petitioner's grand father had already given several representation to the respondents requesting them to transfer the patta in the name of trust, however, the respondents have not transferred the same. After demise of petitioner's grand father on 12.04.1998, the petitioner was appointed as trustee and on 27.08.2021, the petitioner sent a representation to the respondents through registered post requesting to transfer patta. After receipt of the representation, the 1st respondent forwarded the same to the 2nd respondent on 31.08.2021 by directing the Tahsildar to take necessary action. In consequence, the petitioner approached the Tahsildar several times and requested to process the representation by transferring patta, however, the 2nd respondent did not consider the same, hence the petitioner has come forward with this petition.

4. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the second respondent to consider the petitioner's representation dated 27.08.2021, dispose of the same and transfer the patta, within a stipulated time that may be framed by this Court.

5. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions from the officer of the respondents/Department submitted that a direction may be issued to the respondents to consider the prayer of the petitioner and twelve weeks time may also be granted to the respondents to consider the same.

6. Having regard to the limited scope of the prayer that is now sought for in this Writ Petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent to consider the petitioner's representation dated 27.08.2021 for transfer of patta, by holding an enquiry and after issuing notice to the parties concerned, and if any case is made out by the petitioner, the 2nd respondent directed to pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the



date of receipt of a copy of this order. However, it is made clear that this order will not grant any right of title to the petitioner. No costs.

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Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Chennai District
Rajaji Salai,
Chennai - 600 001
2. The Tahsildar,
Puraisawalkam Taluk office,
Chennai - 3

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.56097
+1cc to the Government Pleader, S.R.No.56616

W.P.No.23297 of 2021

AD[co]
NSK 06/12/2021