

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 26976 of 2017

T.Meivel
S/o.Late Dhana Gounder
Archagar,
Sri Edumban Thirukkoil,
No.3/57, Kilakkadu,
Mamangam Post,
Salem - 636 301. Petitioner

-vs-

- 1.The District Revenue Officer,
Salem.
- 2.The Thasildar,
Salem West Taluk,
Salem - 636 005. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's representation dated 21.08.2017 consequently direct them to issue patta to the Petitioner's temple viz., Sri Edumban Thirukkoil at Jakir Amma Palayam, S.No.177/1, Salem District.

For Petitioner : Mr.B.Manimaran

For Respondents: Ms.A.Madhumathi
Special Government Pleader.

O R D E R

The writ petition is filed for a Mandamus, directing the respondents to consider the petitioner's representation dated 21.08.2017 and consequently, to direct the respondents to issue patta to the petitioner's temple viz., Sri Edumban Thirukkoil at Jakir Amma Palayam in S.No.177/1, Salem District.

2. The petitioner seeks transfer of patta on the basis of gift deed dated 16.02.1991. The gift deed produced before this Court, does not indicate the said deed is a registered instrument, that can be acted upon as a deed of conveyance. It is not a registered one. The petitioner has to further prove that the person who executed the gift deed had title and that there was a valid conveyance to seek transfer of patta.

3. The learned counsel appearing for the petitioner is unable to get instructions with regard to the nature of transaction and unable to answer genuine question due to lack of instructions.

4. Having regard to the facts narrated in the affidavit filed in the writ petition, this Court is of the view that the writ petition can be disposed of with the following lines:-

- (i) The second respondent/Tahsildar is directed to consider the petitioner's representation dated 21.08.2017, after hearing the petitioner and other interested persons if any and pass orders on merits and in accordance with law.
- (ii) The second respondent/Tahsildar shall give notice to all interested persons to appear for enquiry before passing final order.
- (iii) This Court has not expressed any view on the merits with regard to the petitioner's claim which can be independently gone into. No Costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dm

To

1.The District Revenue Officer,
Salem.

2.The Thasildar,
Salem West Taluk,
Salem - 636 005.

+1cc to Mr.B.Manimaran, Advocate, S.R.No. 8169
+1cc to the Government Pleader, S.R.No. 8689

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RSI (CO)
GN(15/03/2021)