IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.27634 of 2018

S.Murugan ... Petitioner

-Vs-

1. The District Collector
District Collector Office
Vengikkal, Tiruvannamalai-606601.

2. The District Revenue Officer
District Collector Office
Vengikkal, Tiruvannamalai – 606601.

3. The Revenue Divisional Officer
District Collector Office,
Anna Salai, Tiruvannamalai-606601.

4. The Tahsildar
Taluk Office, Tiruvannamalai District
Tiruvannamalai – 606601.

5. The Deputy Tahsildar
Taluk Office, Tiruvannamalai District
Tiruvannamalai – 606601.

6. Mrs.Amudha
W/o Durai

7. Mrs.Vellachi
W/o Settu

8. Mr.M.Saravanan
S/o Manickam

9. Mrs.M.Pachai Ammal
W/o Palani ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent the District Collector to consider the petitioner's Representation dated 27.08.2018 which was acknowledged on 27.08.2018 and to direct the 5th Respondent to implead his name in online patta as a bonafide purchaser of sale deed dated 29.01.2018 and to dispose the same at the earliest and to pass such further or other orders.

For Petitioner : Mr.D.Manimaran

For Respondents : Ms.Akila Rajendran,
Government Counsel
- for RR 1 to 5

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent the District Collector to consider the petitioner's Representation dated 27.08.2018 which was acknowledged on 27.08.2018 and to direct the 5th Respondent to implead his name in online patta as a bonafide purchaser of sale deed dated 29.01.2018 and to dispose the same at the earliest.

2. In respect of the property at S.No.136/16B7A to the extent of 0.04.0 Ares at Adi Annamalai Village, Tiruvannamalai Taluk. One Tamilselvi and Karthik were the owners, with whom the petitioner had entered into an agreement for sale of the property. But, during the agreement period and before actual sale is effected in favour of the petitioner, on 02.01.2018, patta had been issued in favour of four individuals viz., one Durai, Settu, Saravanan and Pachai Ammal. As against the issuance of patta to the four individuals, who are the private respondents herein, objections were raised by the said Tamilselvi and Karthik and based on the said objections, the patta granted in favour of the four individuals seems to have been cancelled and it was issued in favour of Tamilselvi and Karthik.

3. Subsequently it is the case of the petitioner that, he purchased the property from the said owners and after purchasing the same, the petitioner seems to have applied to the Revenue Authorities to issue patta in his name and that also has been issued in Patta No.1926.

4. However at that stage, the trouble seems to have been started, where, according to the petitioner, on 11.08.2018 once again the Tahsildar concerned has deleted the name of the petitioner in the patta and inserted the name of Tamilselvi and Karthik.

5. In the meanwhile, on the strength of the patta given in favour of the four individuals ie., the private respondents herein, dated 02.01.2018, they seems to have entered into a partition among themselves and that has been registered in the concerned Registrar Office on 18.01.2018 as Document No.316 of 2018.

6. In the meanwhile, it is also the case of the petitioner that, as against the patta issued in favour of the

vendors of the petitioner ie., Tamilselvi and Karthik by the Tahsildar concerned, the four individuals seems to have filed an appeal before the Revenue Divisional Officer ie., the third respondent, who also, after hearing the appeal filed by the four individuals, had rejected the same by confirming the order of the Tahsildar granting patta in favour of the vendors of the petitioner ie., Tamilselvi and Karthik.

7. These are all the circumstances projected by the petitioner and by virtue of the patta wrongly issued in favour of the private respondents dated 02.01.2018, since they made an encumbrance and that has been registered in Document No.316 of 2018 dated 18.01.2018, subsequently all these developments had taken place, where the Revenue Department had rectified their mistakes, which they have done on on 02.01.2018. Therefore, on that strength, the petitioner, in order to enquire the matter by the Revenue Authorities and to issue patta in favour of the petitioner, has given a detailed representation on 27.08.2018 and the said representation since has not been considered either by the first respondent / District Collector or the second respondent District Revenue Officer or the third respondent Revenue Divisional Officer, to whom also copies have been marked, has filed this writ petition with the aforesaid prayer.

8. Heard Mr.D.Manimaran, learned counsel for the petitioner, who having reiterated the aforesaid facts, seeks the indulgence of this Court to issue a direction by way of Mandamus to the respondents especially the second respondent or the third respondent to decide the said representation of the petitioner dated 27.08.2018 by giving an opportunity of being heard to the petitioner.

9. Heard Ms.Akila Rajendran, learned Government Counsel appearing for the official respondents, who would submit that, if at all any such representation has been given on 27.08.2018 by the petitioner to the first respondent District Collector with a copy marked to the second and third respondents, the said representation would be decided by the third respondent ie., the Revenue Divisional Officer after hearing the petitioner as well as the private respondents herein, on merits and in accordance with law within a time frame that may be stipulated by this Court.

10. I have heard the learned counsel appearing for both sides and have perused the materials placed on record.

11. Though such a long case has been projected by the petitioner in his representation dated 27.08.2018, whether the said statements made by the petitioner is correct or not and the veracity of the same, can be gone into only by the Revenue Authorities, because, at least two or three times patta has been changed in favour of either the vendors of the petitioner or the third parties who are private respondents herein or at

one point of time in favour of the petitioner. Therefore, such issue can very well be decided by the Revenue Authorities, in this context, by the third respondent, to whom also the said representation has been given on 27.08.2018, by giving an opportunity of being heard not only to the petitioner but also to the private respondents and accordingly it can be decided on merits.

12. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

> That there shall be a direction to the third respondent ie., the District Revenue Officer to consider the representation of the petitioner dated 27.08.2018 and after hearing both the petitioner as well as the private respondents in this regard, and after examining the input to be supplied by both parties in order to establish their case for the entitlement of the patta in favour of either party, the said issue can very well be decided by the third respondent on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order and the said copy of the order to be passed by the third respondent shall be communicated to both sides thereon.

13. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

KST

To

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Taluk Office, Tiruvannamalai District
Tiruvannamalai – 606601.

+1cc to Mr.D.Manimaran, Advocate SR.No.28992

+1cc to the Government Pleader SR.No.29002

W.P.No.27634 of 2018

PCH(CO)
RLP(15/07/2021)