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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.805 of 2021

and

W.M.P. (MD) No.669 of 2021

Nachammai Achi

... Petitioner

- Vs -

1.The District Collector,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai.

4.The Tahsildar,
Thirumayam,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to complete the Patta Transfer proceedings in respect of the property situated in Old S.No.332/2A in R.S.No.332/1, Konapattu Village, Thirumayam Taluk, Pudukkottai District based on the petitioner's representation dated 02.08.2020 and 21.10.2020.

For Petitioner

: Mr.R.M.Arun Swaminathan

For Respondents

: Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The case of the petitioner is that she purchased a property orally from her father-in-law in the year 1964. The property was originally mortgaged by her father-in-law to two persons but the petitioner repaid the dues to both the mortgagors and got the property released from the morgage and then purchased the same from her father-in-law.

2.According to the petitioner, the property is a vacant site and the petitioner has decided to develop the site and in that process, she applied for encumbrance certificate to the Registration department and found that there was no encumbrance. However, while searching the revenue records, the petitioner learnt that the land was wrongly classified as Government poramboke land.



3. According to the petitioner, some local politicians were attempting to encumber the property and notwithstanding the same, the petitioner has submitted a representation on 02.08.2020 to the official respondents for mutation of the revenue records in her name.

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4. The representation, which was addressed to the second respondent, was forwarded to the fourth respondent for suitable action in the matter. However, without waiting for any orders by the fourth respondent, the petitioner has rushed to this Court with a prayer to complete the patta transfer proceedings.

5. This Court is of the view that when the authorities are looking into the matter and even according to the petitioner, steps have been initiated for disposal of her application, this Court does not find any great need for the petitioner to rush to this Court at this point of time. This Court finds that no specific cause of action for the petitioner to approach this Court at this juncture. It is always open to the petitioner to await the final result in the proceedings before the fourth respondent and in case, any adverse decision is taken, at that point of time, the petitioner may choose to workout her remedy in a manner known to law.

6. In the above circumstances, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. The District Collector,
Pudukkottai.
2. The District Revenue Officer,
Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai.



4.The Tahsildar,
Thirumayam,
Pudukkottai District.

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+1 CC to SGP (SR-1629[F] dated 21/01/2021)

W. P (MD) No. 805 of 2021

20.01.2021

TP (CO)

NR (09/02/2021) 3P : 6C