



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8653 of 2021

WEB COPY

Paramasivam

...Petitioner

Vs.

1. The Deputy Tahsildar,
Bhudalur Taluk, Tanjore District.

2. Balakrishnan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider and dispose of the petitioner's online petition dated 30.08.2020 given for transfer of patta without the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Gandhi
For R-1	: Mrs.M.Rajeswari
	Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the online application submitted by the petitioner on 30.08.2020, wherein, the petitioner is seeking for the mutation of the revenue records in his name with respect to the subject property.

2. The case of the petitioner is that the subject property was originally owned by the father of the second respondent. He had mortgaged the said property for obtaining a loan in favour of one Pitchai Rathinathammal. Since the loan was not repaid, a suit came to be filed in O.S.No.304 of 1973, before the District Munsif Court, Thiruvaiyaru. The suit was decreed and ultimately, the property was brought for public auction and the petitioner was the highest bidder in the auction that took place on 03.01.1992. A sale deed was also executed in favour of the petitioner by the Court. According to the petitioner, the said order has become final.

3. The grievance of the petitioner is that the patta stands in the name of the second respondent with respect to the subject property even though the property was sold to the petitioner through an auction sale. Therefore, the petitioner made an online application to the first respondent on 30.08.2020, seeking for the mutation of the revenue records in the name of the petitioner. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.R.Gandhi, learned counsel appearing on behalf
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of the petitioner and Mrs.M.Rajeswari, learned Government Advocate appearing on behalf of the first respondent.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent to act upon the online application submitted by the petitioner on 30.08.2020 and deal with the same on its own merits and in accordance with law after affording opportunity to the petitioner and the second respondent and final orders shall be passed by the first respondent within a period of six (06) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

7. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

tsg

To

The Deputy Tahsildar,
Bhudalur Taluk, Tanjore District.

+1 CC to M/s.R.GANDHI, Advocate (SR-17679[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-18078[F] dated 29/04/2021)

Order made in
W.P. (MD) .No.8653 of 2021

Dated:
27.04.2021

GS (9.06.2021) 2P 4C

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