



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10940 of 2021

K.Manivannan
S/o.Late S.Kaliyappa Thevar, Kambam Mettu Road,
Thathappan Kovil Street, Cumbum-625 516.
represented by his Power of Attorneys
1.T.P.S.Ponnudurai
2.R.Arvind

...Petitioner

Vs.

1.The District Revenue Officer,
Theni District, Theni-625 531.

2.The Revenue Divisional Officer,
Uthamapalayam Revenue Division,
Uthamapalayam-625 533,
Theni District.

3.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam, Theni District-625 533.

4.G.Palanivelu

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Tahsildar, Uthamapalayam/third respondent herein to consider the representation dated 10.03.2021 regarding the patta transfer application dated 01.02.2021 in respect of the land in Survey No.793/1A1A1A1 to an extent of 1.90 Acres on the north western portion of the said land in Cumbum Village, Uthamapalayam Taluk, Theni District, within the time frame by deleting the name of the 4th respondent.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the



representation made by the petitioner on 10.03.2021, wherein, the petitioner has sought for transferring patta in the name of the petitioner after deleting the name of the fourth respondent with respect to the subject property.

2. The case of the petitioner is that the subject property was purchased by the father of the petitioner through a registered sale deed dated 07.05.1997 and registered as Document No.1797 of 1997. This sale deed was referred to the concerned Authority on the ground of undervaluation under Section 47 (A) (1) of the Indian Stamp Act. Ultimately, the issue was resolved in the year 2020 and the petitioner paid the differential stamp duty. Thereafter, the document was also released by the concerned Sub Registrar.

3. The grievance of the petitioner is that the vendor, who sold the property in favour of the father of the petitioner, had dealt with the very same property and had executed a sale deed in favour of the fourth respondent. The petitioner made a representation and sought for transfer of patta and subdivision of the property in the individual names of the legal heirs of S.Kaliyappa Thevar, who is the father of the petitioner.

4. In the meantime, the petitioner found that the patta stood in the name of the fourth respondent, who had absolutely no right or title over the property. Therefore, the petitioner also gave a police complaint and made a representation before the third respondent on 10.03.2021 to delete the name of the fourth respondent and issue patta in the name of the legal heirs of S.Kaliyappa Thevar. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.A.V.Arun, learned counsel appearing for the petitioners and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

6. 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 third respondent to consider the representation made by the petitioner on 10.03.2021 after affording opportunity to the petitioner and other legal heirs and also the fourth respondent and deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

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



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

tsg

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.

To

1.The District Revenue Officer,
Theni District, Theni-625 531.

2.The Revenue Divisional Officer,
Uthamapalayam Revenue Division,
Uthamapalayam-625 533,
Theni District.

3.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam, Theni District-625 533.

+1 CC to M/s.SPL GP (SR-21173[F] dated 05/07/2021)

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NS (CO)

KB (09.07.2021) 3P 5C