



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10152 of 2021

and

W.M.P (MD) No.7869 of 2021

V.Murugan

...Petitioner

Vs.

1.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Zonal Deputy Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in File No.2021/0103/27/098536, dated 19.04.2021 and quash the same as illegal and further direct the respondents to issue patta in the name of the petitioner as per the request made by the petitioner, dated 16.02.2021.

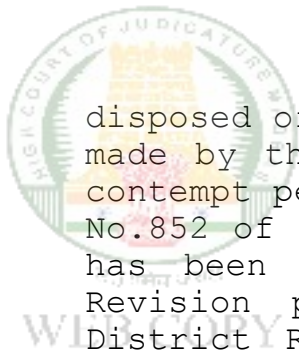
For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.M.Lingadurai
Government Advocate (Civil)

ORDER

On consent given by either side, the main writ petition is taken up for final hearing.

2.This writ petition questions the impugned rejection made by the second respondent, wherein, the second respondent has refused to entertain the application submitted by the petitioner seeking for transfer of patta. The case of the petitioner is that the petitioner became the owner of the subject property measuring an extent of 4 ½ cents by virtue of registered sale deed, dated 14.07.2016. The petitioner earlier approached this Court and filed W.P. (MD) .No.3080 of 2019, seeking for a direction to the respondents to issue patta in the name of the petitioner. The writ petition was



disposed of by directing the respondents to consider the application made by the petitioner. Since this order was not complied with, a contempt petition came to be filed before this Court in Cont.P.(MD). No.852 of 2019. It was represented before this Court that an order has been passed by the first respondent to the effect that a Revision petition has been filed by one Muniasamy before the District Revenue Officer and till the same is disposed of, the application made by the petitioner cannot be considered.

3.The further case of the petitioner is that the revision filed by the above said Muniasamy came to be dismissed by the District Revenue Officer, Ramanathapuram, by proceedings, dated 03.03.2020. Thereafter, the petitioner made a fresh representation to the respondent requesting for the issuance of the patta.

4.The grievance of the petitioner is that the application has been rejected by the second respondent by stating that there is no link document. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The learned counsel for the petitioner submitted that the petitioner has been made to run from pillar to post for getting a patta in spite of valid title document executed in favour of the petitioner. The learned counsel further submitted that the second respondent has rejected the application by merely stating that there is no link document and it is not known as to what the impugned order is conveying and the same is completely vague and bereft of any details.

6.In reply to the said submission, the learned Government counsel on written instructions submitted that the entire extent of the property, in S.No.196/1B is an extent of 8.75 cents and out of the same, the petitioner has purchased only 4 ½ cents. The learned counsel, therefore, submitted that the petitioner has to make an application for sub division for the 4 ½ cents and for the issuance of patta for the sub divided property. It was submitted that if the petitioner makes a fresh application, the same will be considered by the respondents, within the time limit stipulated by this Court.

7.In the considered view of this Court, the second respondent could have given a clear reason to the petitioner as to why the application is not entertained and instead the impugned communication merely states that there is no link document. The terminology used by the second respondent cannot be understood by a layperson like the petitioner. Even this court did not understand the reason assigned by the second respondent in the impugned communication and only after hearing the learned Government counsel, this Court was able to ascertain the exact reason, for which, the application was not entertained.



8. In view of the above, the petitioner is directed to make a fresh application to the first respondent seeking for the subdivision of the property and for the issuance of patta for the extent of property, which was purchased by the petitioner through registered sale deed, dated 14.07.2016. The first respondent on receipt of the application from the petitioner shall process the same and make the necessary subdivision and issue patta to the petitioner for the extent owned by the petitioner, within a period of six weeks from the date of receipt of the application from the petitioner.

9. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.
2. The Zonal Deputy Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate SR-19363[F] dated 16/06/2021
+1 CC to M/s.SPL GP (SR-19535[F] dated 17/06/2021)

**W.P. (MD) .No.10152 of 2021
and
W.M.P (MD) No.7869 of 2021
16.06.2021**

SVN(CO)
TR(28.06.2021) 3P 5C