



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10769 of 2021

(Through Video Conferencing)

WEB COPY

Thirupathi

... Petitioner

Vs.

The Tahsildar

Madurai South Taluk

Office of the Tahsildar of Madurai South

Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's patta transfer application in respect of the property comprised in S.No.39/2 located at Avaniyaupram, Village no.41 Madurai South Taluk, Madurai District and pass orders based on the representation of the petitioner dated 20.04.2021.

For Petitioner

:Mr.N.Ananthapadmanaban
for M/s.APN Law Associates

For Respondent

:Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondent to consider the representation made by the petitioner on 20.04.2021, wherein the petitioner is seeking for transfer of patta in his name with respect to the subject property.

2.The case of the petitioner is that the subject property was purchased by him by virtue of a registered sale deed dated 06.03.2013. Subsequently, this sale deed came to be cancelled and it became the subject matter of challenge before this Court in W.P. (MD) No.11710/2016. This Court, by order, dated 22.03.2019 allowed the writ petition and set aside the order of cancellation of the sale deed and directed the cancellation of the entries made in the encumbrance certificate.

3.The further case of the petitioner is that by virtue of the above order passed by this Court, the sale deed was restored in the name of the petitioner and hence, the petitioner made a representation before the respondent seeking for change of patta in his name. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.



4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

5. Taking into consideration the facts and circumstances of the case and also the fact that this Court had already set aside the cancellation of the sale deed and thereby restored the sale deed in favour of the petitioner, there shall be a direction to the respondent to consider the representation made by the petitioner on 20.04.2021 and deal with the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

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

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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
The Tahsildar
Madurai South Taluk
Office of the Tahsildar of Madurai South
Madurai.

+1 CC to M/s.APN.LAW ASSOCIATES, Advocate (SR-20623[F] dated 30/06/2021)

+1 CC to SPL GP (SR-20892[F] dated 01/07/2021)

W.P. (MD)No.10769 of 2021

30.06.2021

KM(07.07.2021) 2P 4C