



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26132 OF 2010
M.P.NOS.1 & 2 OF 2010

1.Aadhimoolam
2.Manivannan

... Petitioners

Vs.

1. The District Collector,
Thiruvanamalai District,
Thiruvanamalai.

2. The Tahsildar,
Polur Taluk,
Thiruvanamalai District,
Thiruvanamalai.

3. Veerappan

4. Devaki

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned order in proceedings No.O.Mu G.2/93/2010, dated 06.03.2010 from the file of the second respondent, Polur and quash the same directing the second respondent to effect name transfer Patta in the name of the petitioners in respect of Rice Mill service No.792, S.No.87/1, 0.45 cents, 89/1, 0.56 cents, 102/1 1 acre 34 cents, 103/7 0.46 cents, 103/8 0.49 cents, 103/9B 1.93 cents, 94/13 0.84 cents, 96/2 1 acre 34 cents, 64/2 0.22 cents, 64/3 0.29 cents, 64/4 0.29 cents, 124/1B 0.21 cents, at Thumpur Village, Thiruvanamalai District in the name of the petitioners.

For petitioners : M/s.P.Ganapathy & R.T.Sundari

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

The petitioner has filed this petition to issue a writ of Certiorari Mandamus calling for the records relating to impugned order in proceedings No.O.Mu G.2/93/2010, dated 06.03.2010 from the file of the second respondent, Polur and quash the same directing the second respondent to effect name transfer Patta in the name of the petitioners in respect of Rice Mill service No.792, S.No.87/1, 0.45 cents, 89/1, 0.56 cents, 102/1 1 acre 34 cents, 103/7 0.46 cents, 103/8 0.49 cents, 103/9B 1.93 cents, 94/13 0.84 cents, 96/2 1 acre 34 cents, 64/2 0.22 cents, 64/3 0.29 cents, 64/4 0.29 cents, 124/1B 0.21 cents, at Thumpur Village, Thiruvananthapuram District in the name of the petitioners.

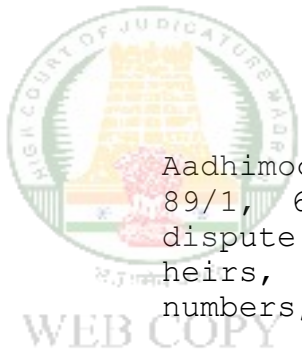
2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the first and second respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the third and fourth respondents, notice to the third and fourth respondents is dispensed with.

4. The case of the petitioner is that a registered Settlement Deed was executed in favour of the petitioners appointing the third respondent who is the father of the petitioners, as the guardian for the properties mentioned in the settlement deed, since the petitioners were minor at that time. Having attained majority, the petitioners have made several representations to the respondents 2 & 3 for transfer of patta in their name. However, the said representations were rejected and the impugned order dated 06.03.2020 has come to be passed by the first respondent, against which the present writ petition has been filed seeking the aforesaid relief.

5. Though very many grounds have been raised, learned counsel for the petitioners submits that only on account of the petitioners being minor, the patta was issued in the name of the third respondent who is the father of the petitioners. The petitioners having attained majority, the respondents are bound to transfer the patta in the name of the petitioners.

6.This Court by order dated 21.02.2022, issued direction to the second respondent to transfer the patta in the name of the petitioners on or before 01.03.2022 and file a report of compliance on 03.03.2022, In compliance with this order, on 03.03.2022 patta was transferred in the name of



Aadhimoolam and Manivannan in respect of lands in S.Nos. 87/1, 89/1, 64/2, 64/3, 64/4, 124/1B. In view of the pendency of dispute in between the petitioner and one Munisamy and his legal heirs, Patta was not transferred in respect of remaining survey numbers, i.e, S.Nos.102/1, 103/7, 103/8, 103/9B, 94/13, 96/2.

7. In view of the aforesaid submissions, this Court is of the view that dispute is pending in respect of remaining survey numbers and on suppression of the above facts by the learned counsel for the petitioners, the present writ petition is closed. However, liberty is granted to petitioners to workout their remedy in the manner known to law.

8. Accordingly, this writ petition is closed with the above liberty to petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The District Collector,
Thiruvanamalai District,
Thiruvanamalai.

2. The Tahsildar,
Polur Taluk,
Thiruvanamalai District,
Thiruvanamalai.

+1cc to the Government Pleader, S.R.No.20402

W.P.No.26132 of 2010
M.P.Nos.1 & 2 of 2010

PMK(CO)
RLP(11/04/2022)