



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4015 of 2022

A.Velusamy

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Namakkal-637 003.

2.The Revenue Divisional Officer,
RDO Office, Mohanoor Road,
Namakkal District-637 001.

3.The Tahsildar,
Mohanoor Road,
Namakkal Taluk & District-637 001.

... Respondents

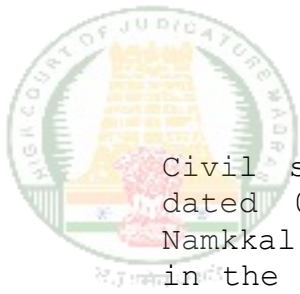
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to issue transfer patta to the name of the writ petitioner and other plaintiffs and defendants 5 to 7 in the Civil suit in O.S.No.453 of 2009 as per judgment and decree dated 04.09.2014 passed by Principal District Munsif Judge, Namakkal and subsequent to the order and decreetal order passed in the execution petition No.REP.39/2017 dated 30.09.2020 on the file of the Additional District Munsif (FAC), Namakkal in respect of land situated in Naruvaloor Agragaram Village, in S.No.91/2, admeasuring (1-89-5 hectare) 4.68 acre situated within the Sub Registration District of Velagoundanpatti and Registration District of Namakkal.

For petitioner : Mr.K.Kalimuthu

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

The petitioner has filed this petition to direct the 3rd respondent to issue transfer patta to the name of the writ petitioner and other plaintiffs and defendants 5 to 7 in the



Civil suit in O.S.No.453 of 2009 as per judgment and decree dated 04.09.2014 passed by Principal District Munsif Judge, Namakkal and subsequent to the order and decreetal order passed in the execution petition No.REP.39/2017 dated 30.09.2020 on the file of the Additional District Munsif (FAC), Namakkal in respect of land situated in Naruvaloor Agragaram Village, in S.No.91/2, admeasuring (1-89-5 hectare) 4.68 acre situated within the Sub Registration District of Velagoundanpatti and Registration District of Namakkal.

2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the 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. The case of the petitioner is that petitioner is the owner of the property comprised in S.No.91/2, admeasuring 4.68 acres situated at Naruvaloor Agragaram Village, Namakkal District. However, at the time of implementation of the UDR Scheme, the third respondent classified the above said property as "Kallankuthu", without giving any notice to the petitioner. Thereafter, petitioner filed a suit in O.S.No.453 of 2009 on the file of the Principle District Munsif, Namakkal, seeking declaration of the said property belongs to him and other co-sharers and to issue Patta in the name of the petitioner, and the said suit had decreed on 04.09.2014 in favour of the petitioner. Thereafter, petitioner made a representation dated 03.01.2022 to respondents to issue transfer patta in in his name. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the respondents to consider the petitioner's representation dated 03.01.2022 in the light of the decree passed in O.S.No.453 of 2009 within the time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation dated 03.01.2022 will be considered by the respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court



without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 03.01.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to aggrieved persons.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

tri/anu

To

- 1.The District Collector,
District Collector Office,
Namakkal-637003.
- 2.The Revenue Divisional Officer,
RDO Office, Mohanoor Road,
Namakkal District-637001.
- 3.The Tahsildar,
Mohanoor Road,
Namakkal Taluk & District-637001.

+1cc to Mr.K.Kalimuthu, Advocate SR.No.12929
+1cc to the Government Pleader SR.No.13772

W.P.No.4015 of 2022

BS (CO)
GN(21/03/2022)