



W.P.Nos.25623 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.25623 of 2015

and

M.P.No.1 of 2015

V.Duraisamy

. . . Petitioner

Vs.

1. District Collector,
Perambalur district,
Perambalur.

2. The District Revenue Officer,
Perambalur district,
Perambalur.

3. The Sub Collector,
Perambalur district,
Perambalur.

4. The Tahsildar,
Perambalur District.
Perambalur.

5. K.Shankar,

6. K.Rajendran

. . . Respondents



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PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ to call for the records relating to the proceedings of the 1st Respondent in O.Mu.Aa2/3527/2015 dated 01/07/2015 and to quash the same and consequently direct the 1st Respondent to consider the Revision Petition filed by the Petitioner and to conduct enquiry and to pass orders on merits and in accordance with law and thereby grant transfer of patta in favour of the Petitioner in respect of the land in S.No.90/4 Mavilangai Village, Alathur Taluk, Perambalur district to an extent of 0.02.50 Ares, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : M/s.G.Sankaran

For Respondents : Mr.A.Anandan,

Government Advocate for R1 to R4

ORDER

The present petition has been filed seeking to quash the impugned proceedings dated 01.07.2015 passed by the 1st Respondent and direct the 1st respondent to conduct enquiry and pass appropriate orders on the appeal filed by the petitioner and further transfer patta in the name of the petitioner



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in respect of the property in S.No.90/4 Mavilangai Village, Alathur Taluk, Perambalur district to an extent of 0.02.50 Ares, within the time that may be stipulated by this Court.

2. It is the case of the petitioner that the subject property in Survey No.90/4, Mavilangai Village, Alathur Taluk, Perambalur District to an extent of about 0.02.50 originally belongs to the petitioner's father namely Veeran. After the demise of his father, the petitioner being a soul legal heir, the above said property devolved upon the petitioner, however, patta stands in the name of the petitioner's father. The petitioner made an application to the respondents to transfer the Patta in favour of the petitioner, however, patta was not issued in favour of the petitioner. On enquiry, the petitioner came to know that Respondents 5 & 6 are attempting to obtain patta in respect of the aforesaid property by creating a false sale deed, on the premise that the said property was purchased by them from Durairaj, Vaithialingam and Raghupathy. Therefore, the petitioner filed an application to the 3rd respondent for transfer of patta in his favour, pursuant to which, the enquiry was conducted between the parties, in which the above said land was



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classified as Natham land and directed the 4th respondent to survey the said land. Against the said order, the petitioner filed a Revision Petition before the 1st respondent, pursuant to which, the impugned order came to be passed, confirming the order of the 3rd Respondent. Aggrieved by the same, the petitioner has come up with the present petition.

3. Though the present petition has been filed seeking a larger relief, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 4th Respondent to conduct an enquiry and pass appropriate orders in accordance with law after affording an opportunity of personal hearing to the petitioner as well as the 4th Respondent within the time frame that may be stipulated by this Court.

4. On the above contentions, this Court heard the learned Government Advocate appearing for respondents 1 to 4 and perused the materials available on record.



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5. A perusal of records reveal that the petitioner made application for transfer of patta in respect of S.No.90/4. The 3rd respondent vide order dated 16.02.2015 issued direction to the 4th respondent to inspect the property based on the possession and mutate the revenue records against which, the petitioner filed a revision petitioner before th 2nd respondent and thereafter made application before the 1st respondent on 06.03.2015. Thereby, the 1st respondent passed the order stating that the respondents 2 & 3 have not passed any adverse order against the petitioner, infact, the 3rd respondent had directed the 4th respondent to measure the property and mutate the revenue records.

6. In view of the finding recorded by the fact finding Authority, this Court is not inclined to interfere with the impugned order. This Court directs the 4th respondent to hear the petitioner and other aggrieved persons and pass appropriate orders based on the direction issued by the 3rd respondent dated 16.02.2015, within a period of Six weeks from the date of receipt of a copy of this order.



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7. With the above observation, this Writ Petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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