

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.8540 of 2022

S. Balaraj

....Petitioner

Versus

1. The Zonal Deputy Tahsildar,
Taluk Office,
Krishnagiri Taluk and District.

2. The Tahsildar
Taluk Office,
Krishnagiri Taluk and District.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents 1 and 2 to effect patta name transfer in favour of legal heirs of Subbappa for the land in S. No.124/2, Manavarapalli Village based on the application 2021/0103/31/198674, dated 04.12.2021.

For Petitioner : Mr.S.C. Vishwanth

For Respondents : Mr.P.Sathish,
Addl. Govt. Pleader

ORDER

This writ petition has been filed for a direction to the 1 and 2 respondents to effect patta transfer in favour of legal heirs of Subbappa for the land in S. No.124/2, Manavarapalli Village based on the application 2021/0103/31/198674, dated 04.12.2021.

2. It is the case of the petitioner that his father is the owner of the land in S. No.124/2 to an extent of Acre 1.96 cents and the same was also reflected in the patta as well as "A" Register. After the demise of his father on 25.04.2011, he made an application on 04.12.2021 before the respondents to effect transfer of patta in his favour. However, till date, the said application was not considered by the respondents. Hence, this writ petition has been filed.

3. Learned counsel for the petitioner submits that it would suffice, if a direction is issued to the respondents to consider the petitioner's application for transfer of patta, within a time frame to be fixed by this Court.

4. Mr.P.Sathish, learned Additional Government Pleader for the respondents has produced the status report filed by the 2nd respondent in the above regard. Reiterating the said status report, he submitted that the District Revenue Officer is the competent authority to rectify the error crept during the UDR scheme, as per G.O. Ms.No.385, Revenue Dept., dated 17.08.2004 and the said fact was also communicated to the petitioner vide proceedings of the 2nd respondent, dated 22.04.2022. Hence, this Court may issue direction to the petitioner to submit a representation before the competent authority to seek his remedy.

5. Heard learned counsel on both sides and perused the materials on record.

6. Considering the facts and circumstances, in view of the submissions made by the learned Addl. Government Pleader, this Court, without going into the merits of the case, directs the petitioners to submit a representation before the competent authority viz., District Revenue Officer, within a period of two weeks from the date of receipt of a copy of this order. On such application being filed, the competent authority is directed to pass orders in terms of G.O. No.385, within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner and other persons aggrieved, if any.

7. This writ petition is disposed of with the aforesaid directions. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

vs12

To

1. The Zonal Deputy Tahsildar,
Taluk Office,
Krishnagiri Taluk and District.

2. The Tahsildar
Taluk Office,
Krishnagiri Taluk and District.

+1cc to Mr.S.C. Vishwanth, Advocate, S.R.No.30312
+1cc to the Government Pleader, S.R.No.30432

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NSK/13/06/2022