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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.P.No.11930 of 2022

V.Kuppuswamy

...Petitioner

Versus

- 1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
- 2.The Divisional Deputy Tahsildar,
Avinashi Taluk, Tiruppur District.
- 3.The Village Administrative Officer,
Pongalur Village, Avinashi Taluk,
Tiruppur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to conduct enquiry and pass orders on the appeal preferred by the petitioner dated 10.11.2021 challenging the order of the second respondent dated 28.05.2021 within a stipulated time.

For Petitioner : Mr.K.Balasubramaniam

For Respondents: Mr.A.M.Ayyadurai,
Government Advocate

ORDER

Mr.A.M.Ayyadurai, learned Government Advocate takes notice for the respondents. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought by the petitioner in this writ petition is to direct the first respondent to conduct enquiry and pass orders on the appeal preferred by him dated 10.11.2021, challenging the order of the second respondent dated 28.05.2021, within a stipulated time.



3. The case of the petitioner is that he purchased 0.41 acre of an agricultural land situated in Survey No.39 at Pongalur Village, Avinashi Taluk, Tiruppur District erstwhile Annur Taluk, Coimbatore District from one Ramana Gounder vide Sale Deed bearing No.194/1996 dated 30.01.1996 on the file of Sub Registrar, Annur, Coimbatore District. The said agricultural land was allotted to the vendor of the petitioner / Ramana Gounder by a deed of Partition bearing Document No.582/1966 dated 14.05.1966. Subsequent to the purchase of the agricultural land, the petitioner has been in possession and enjoyment of the same. While so, on 09.02.2021, he submitted an online application no.2021/0103/32/296329 dated 09.02.2021 to the second respondent, seeking for patta name transfer enclosing the required documents. Upon receipt of the same, the third respondent conducted enquiry and submitted a report, based on which, the second respondent passed an order dated 28.05.2021, rejecting the petitioner's application for the reason that he is not in enjoyment of the said land. Aggrieved over the said rejection order, the petitioner preferred an appeal dated 10.11.2021 before the first respondent and the same is pending without any progress. Therefore, this writ petition.

4. The learned counsel for the petitioner submitted that the petitioner purchased the subject land by executing the valid sale deed and the encumbrance certificate stands in his name. While so, the third respondent, without conducting proper enquiry and verifying the documents pertaining to the subject land, submitted his report, based on which, the second respondent has erroneously rejected the petitioner's application seeking transfer of name in the patta. Adding further, the learned counsel submitted that though the petitioner filed an appeal as against the order so passed by the second respondent, the said appeal has not yet been taken into consideration by the first respondent, till date. Hence, the learned counsel prayed for a direction to the first respondent to dispose of the said appeal.

5. Heard the learned Government Advocate appearing for the respondents, who sought eight weeks time for disposal of the appeal filed by the petitioner.

6. Considering the limited relief sought by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the appeal dated 10.11.2021 filed by the petitioner and pass appropriate orders on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
- 2.The Divisional Deputy Tahsildar,
Avinashi Taluk, Tiruppur District.
- 3.The Village Administrative Officer,
Pongalur Village, Avinashi Taluk,
Tiruppur District.

+lcc to M/s.K.Balasubramaniam, Advocate, S.R.No.31107
+lcc to the Government Pleader, S.R.No.31308

W.P.No.11930 of 2022

GP(CO)
SB(21/06/2022)