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W.P.No.30047 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30047 of 2022

J.Kumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirukovilur at Kallakurichi.

2.The Tahsildar,
Ulundurpet,
Kallakurichi.

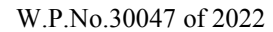
3.Thiru.Subramanian,

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the appeal memorandum dated 07.07.2021 pursuant to the enquiry held on 26.07.2021, 22.07.2022, 23.09.2022 and 10.10.2022 and to pass appropriate final orders thereon regarding transfer of patta on merits and within a time to be specified by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.T.K.Saravanan for RR1 and 2
Government Advocate



This Writ Petition has been filed to direct the first respondent to consider the appeal memorandum dated 07.07.2021 pursuant to the enquiry held on 26.07.2021, 22.07.2022, 23.09.2022 and 10.10.2022 and to pass appropriate final orders thereon regarding transfer of patta on merits and within a time to be specified by this Court.

2. Since no adverse order is being passed as against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. The case of the petitioner is that the petitioner along with other legal heirs was issued with joint patta in Patta No.1354 in respect to the property in S.No.268/4 in U.Keeranur Village. While so, to the shock and dismay, the joint patta stood deleted for the reasons known to the respondents. On enquiry, the petitioner came to know that the 3rd respondent had made an application dated 03.07.2020 to the 2nd respondent seeking transfer of patta along with necessary documents to prove that he was in possession of the above said property. The petitioner further submits that the 2nd respondent



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without conducting property enquiry, had simply made an endorsement dated 20.07.2020 towards accepting the application of the 3rd respondent. As against the endorsement of the 2nd respondent, the petitioner preferred an appeal dated 07.07.2021 to the 1st respondent. Thereafter, a notice dated 14.07.2021 was issued to the 3rd respondent calling for the enquiry along with the necessary documents. The petitioner further submits that the 1st respondent has been repeatedly holding enquiry on various dates such as 26.07.2021, 22.07.2022, 23.09.2022 and 10.10.2022, whereas, till date no final order has been passed by the 1st respondent and the said enquiry was completed on 10.10.2022. Hence, the petitioner has filed this present Writ Petition.

4.Learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the appeal memorandum dated 07.07.2021 and pass orders on the same within a particular time frame fixed by this Court.

5 .Mr.T.K.Saravanan, the learned Government Advocate appearing for the respondents 1 and 2 submits that if any direction is given by this Court, the same will be complied with.



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6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's appeal memorandum dated 07.07.2021 pursuant to the enquiry held on 26.07.2021, 22.07.2022, 23.09.2022 and 10.10.2022, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This Writ Petition is accordingly disposed of. No costs.

14.11.2022

Index : Yes / No
Speaking order : Yes / No
gba

To

1. The Revenue Divisional Officer,
Thirukovilur at Kallakurichi.
2. The Tahsildar,
Ulundurpet,
Kallakurichi.



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M.DHANDAPANI, J.

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