



W.P.No.31516 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

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Dr.M.E.Muthaiya

... Petitioner

Vs

1.The Tahsildar,
Gingee Taluk Officer,
Villupuram – 604 202.

2.The Deputy Tahsildar Office,
Gingee Taluk Officer,
Villupuram – 604 202.

3.The Village Administrative Officer,
Modaiyur West Village,
Villupuram – 604 202.

4.Chellammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to retransfer the name of the legal heirs of Late Elumalai Alwar in the patta pertaining to the property bearing Grama Natham S.No.400/13, 400/15, bearing Patta No.35 and 36 measuring an extent of 203 hectares



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Modaiyur Village, Gingee Taluk, Villupuram District and to consider the petitioner's representation dated 01.11.2022.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.U.Bharanidharan for RR1 to 3
Additional Government Pleader

ORDER

This Writ Petition have been filed by the petitioner to direct the respondents 1 to 3 to retransfer the name of the legal heirs of Late Elumalai Alwar in the patta pertaining to the property bearing Grama Natham S.No.400/13, 400/15, bearing Patta No.35 and 36 measuring an extent of 203 hectares Modaiyur Village, Gingee Taluk, Villupuram District and to consider the petitioner's representation dated 01.11.2022.

2.Since, no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

3.The case of the petitioner is that Grama Natham land in S.Nos.400/13 & 400/15, bearing Patta Nos.35 and 36 measuring an extent of 203 hectares in Modaiyur Village absolutely belongs to the petitioner's father late Elumalai Alwar. The said late Elumalai Alwar



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enjoyed the said property for more than 150 years from his father late Renga Alwar, late Muthuram Alwar and along with his brothers and the petitioner claims that they are his forefathers. The petitioner's father died on 12.12.2005, leaving behind the petitioner and his mother as legal heirs. However, subsequently, the petitioner came to know that the patta has been transferred in the name of one Chellammal, who was working as a housemaid in the petitioner's property. Thereby the petitioner made an representation dated 01.11.2022 to the respondents 1 to 3 for transfer of patta and the same was not considered. Hence, the present Writ Petition has been filed.

4.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 01.11.2022 and pass orders on the same within a time frame fixed by this Court.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1



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to 3 and perused the materials available on record.

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6.Considering the facts and circumstances of the case, the petitioner claims that disputed land belongs to his forefathers and subsequently, acquired by his father Elumalai Alwar and thereafter, the petitioner is entitled for transfer of patta in his name. However, though the petitioner claims that he is the legal heir of the Elumalai Alwar, no legal heir certificate is produced before this Court and the petitioner claims that Chellammal working as a housemaid in the petitioner's father-in-law house and taking advantage, she obtained patta in her favour. Hence, the petitioner filed the Writ Petition. However, on perusal of the entire records, it is seen that dispute is between the petitioner and the private respondent can be regulated only by a `competent civil Court. Hence, the prayer sought in this Writ Petition cannot be granted. However, liberty is granted to the petitioner to approach the competent Civil Court.

7.Accordingly, this Writ Petition is dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
gba

To

- 1.The Tahsildar,
Gingee Taluk Officer,
Villupuram – 604 202.
- 2.The Deputy Tahsildar Office,
Gingee Taluk Officer,
Villupuram – 604 202.
- 3.The Village Administrative Officer,
Modaiyur West Village,
Villupuram – 604 202.1.The Tahsildar,
Gingee Taluk Officer,
Villupuram – 604 202.



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M.DHANDAPANI, J.

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