IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12784 of 2017
and
W.M.P.No.13640 of 2017

Venkatesan @ Sivanathan ...Petitioner

Vs.

1. The District Collector,
   Perambalur.

2. The Revenue Divisional Officer,
   Perambalur.

3. The Tahsildar,
   Veppanthattai, Perambalur District.

4. The Village Administrative Officer,
   Malayalapatti Village,
   Veppanthattai Taluk, Perambalur.

5. Ramachandran ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent 1 to 4 from initiating any proceedings for mutation of revenue records viz. patta, chitta, adangal and village A-register etc. in the name of the 5th respondent for the land comprised in Survey No.100/2 measuring to an extent of hectare 1.27.5 ares situated at Malayalapatti Village, previously Perambalur Taluk, presently Veppanthattai Taluk, Perambalur District.

For Petitioner : Mr.R.Murali

For Respondents : Mr.R.P.Murugan Raja, GA,
for R1 to R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to forbear the respondent 1 to 4 from initiating any proceedings for mutation of revenue records in

the name of the 5th respondent for the land comprised in Survey No.100/2 measuring to an extent of hectare 1.27.5 ares situated at Malayalapatti Village, previously Perambalur Taluk, presently Veppanthattai Taluk, Perambalur District.

2. The case of the petitioner is that the subject property was originally owned by one Chinnasamy, father of the 5th respondent and he sold the the same to the petitioner's father, namely, Natesa Goundar, vide registered Sale deed dated 14.07.1970 in Doc.No.1981 of 1970. After the demise of said Natesa Goundar, the petitioner was allotted with the subject property, vide, oral partition entered into between the legal heirs of said Natesa Gounder. Pursuant to the same, the petitioner is in complete possession and enjoyment of the subject property and patta in Patta No.1209 was also granted in his favour. While such being the case, the petitioner came to know that the 5th respondent made a representation dated 27.06.2016 before the 1st respondent, seeking transfer of patta in respect of the subject property in his favour. Aggrieved by the same, the petitioner filed a suit in O.S.No.359 of 2016 on the file of the Learned District Munsif, Perambalur as against the respondents and the same is pending. While so, at the instigation of the 5th respondent, the respondents 1 to 4 are in pursuit of transfer of patta in respect of the subject property to the name of the 5th respondent. Hence, the present Writ petition is filed with the above relief.

3. Learned counsel for the petitioner submitted that, when the suit in respect of the subject property, filed by the petitioner is pending before the Trial Court, the revenue officials cannot entertain the representation made by the 5th respondent for transfer of patta, as the same cannot be decided by them. He further submitted that, it would suffice if this Court grants permission to the petitioner to file an objection before the Tahsildar for transfer of patta in respect of the subject property to the name of the 5th respondent and a consequential direction to the 3rd respondent to consider the said objection to be submitted by the petitioner, before processing any application already submitted or to be submitted by the 5th respondent for mutation of revenue records in respect of the subject property in his favour.

4. Learned Government Advocate appearing on behalf of the respondents 1 to 4 has no serious objection for said order being passed and he fairly conceded that if any such application for mutation of revenue records in favour of the 5th respondent is received, the same will be considered only after considering the objection to be made by the petitioner and appropriate orders will be passed in accordance with law, after affording opportunity of personal hearing to the petitioner.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the petitioner to file objection before the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order. Further, if any application for mutation of revenue records in respect of the subject property in favour of the private respondent or any other person is received, the 3rd respondent shall consider the same on merits and pass appropriate orders, as expeditiously as possible, after affording an opportunity of personal hearing to the petitioner and after considering the objection letter to be submitted by the petitioner.

6. This writ petition is accordingly disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
   Perambalur.

2. The Revenue Divisional Officer,
   Perambalur.

3. The Tahsildar,
   Veppanthattai, Perambalur District.

4. The Village Administrative Officer,
   Malayalapatti Village,
   Veppanthattai Taluk, Perambalur.

+1cc to M/s.R.Murali, Advocate, S.R.No.39953
+1cc to the Government Pleader, S.R.No.39845

W.P.No.12784 of 2017
and
W.M.P.No.13640 of 2017

RK(CO)
RGA(18/07/2022)