



W.P.No.32757 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32757 of 2017

A.Poorani

...Petitioner

Vs.

1. The District Collector,
Villupuram District, Villupuram.
2. The Revenue Divisional Officer,
Villupuram District, Villupuram.
3. The Tahsildar,
Vanur Taluk, Vanur.

4. Anandhi

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to transfer patta in the name of the petitioner in respect of property admeasuring 66 cents out of 4 acres and 30 cents in Old Survey No.18/3 R.S.No.189/2 situated at Tiruchitrambalam Village, Vanur Taluk, Villupuram District by considering the petitioner's representation dated 29.11.2017.

For Petitioner : Mr.G.Rajan



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For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the official respondents to transfer the patta in respect of subject in the name of the petitioner, by considering her representation dated 29.11.2017.

2. The case of the petitioner is that the property admeasuring 66 cents out of 4 acres and 30 cents comprised in Old S.No.18/3, R.S.No.189/2, situated at Tiruchitrambalam Village, Vanur Taluk, Villupuram District originally belonged to the petitioner's husband namely, Alagappan and the same was purchased by the 4th respondent, vide registered sale deed Doc.No.871/2008 dated 13.02.2008, pursuant to which, the 4th respondent became the absolute owner of the subject property. Thereafter, the 4th respondent executed a General Power of Attorney to an in favour of one Murugan in respect of the very same subject property, vide registered Power of Attorney dated 18.02.2008, bearing Doc.No.217/2008. Subsequently, the petitioner purchased the subject property from the said Murugan, vide



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registered sale deed Doc.No.3998/2015 dated 15.07.2015, for a valid sale consideration and pursuant to the said purchase, the petitioner is in absolute possession and enjoyment of the subject property. While so, due to some private dispute between the 4th respondent and the said Murugan, the 4th respondent started to disturb the petitioner's possession over the subject property. Aggrieved by the same, the petitioner filed a suit for declaration and injunction in O.S.No.121/2015 on the file of the Principal Sub Court, Tindivanam against the 4th respondent and the same was decreed in favour of the petitioner on 11.09.2015, based on the Memo of No Objection filed by the 4th respondent. Subsequently, the petitioner made a representation dated 09.06.2017 before the respondents 1 to 3, seeking for transfer of patta in respect of the subject property in her favour, which evoked no response. Aggrieved by the same, the petitioner made another representation dated 29.11.2017, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the



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respondents to consider the petitioner's representation dated 29.11.2017 and transfer the patta in respect of the subject property in her favour as expeditiously as possible.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 has no serious objection for the said order being passed and he fairly conceded that the petitioner's representation dated 29.11.2017 will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. It is borne out from the records that, notice was served on the 4th respondent, however, the same was unserved and returned with an endorsement "no residence", at the same time, since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

6. Considering the limited request made by the learned counsel for the



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petitioner, this Court without expressing any opinion on the merits of the case directs the 3rd respondent to consider the petitioner's representation dated 29.11.2017 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the 4th respondent. For ready reference, the petitioner is directed to send a copy of the representation dated 29.11.2017 to the 3rd respondent.

7. With the above directions, this Writ petition is accordingly disposed of. No costs.

04.11.2022

skt

Speaking Order : Yes/ No
Index : Yes/ No

To

1. The District Collector,

5/7



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Villupuram District, Villupuram.

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2. The Revenue Divisional Officer,
Villupuram District, Villupuram.

3. The Tahsildar,
Vanur Taluk, Vanur.

M.DHANDAPANI, J.

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