



W.P.(MD)No.3104 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.3104 of 2021

G.Baskaran

... Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional officer,
Thanjavur Division,
Thanjavur.

3.The Tahsildar,
Thanjavur Taluk,
Thanjavur.

4.M.Ajmal Khan

5.M.Mohamed Isaac

6.A.Syed Mubarak

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent I.e., Revenue Divisional officer, Thanjavur and the third respondent I.e., the Tahsildar, Thanjavur to pursue further action as per Memo ந.க. 3448/2018/A5 நாள்:21.05.2018 of the Revenue Divisional officer, Thanjavur and dispose of the petitioner's representation, dated 11.05.2018 on merits and in accordance with law, within a specified time frame that may be fixed by this Court.



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For Petitioner	: Mr.S.Visvalingam
For R1 to R3	: Mr.D.Gandhiraj Special Government Pleader
For R4 to R6	: Mrs.K.Mahalakshmi

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent I.e., Revenue Divisional officer, Thanjavur and the third respondent I.e., the Tahsildar, Thanjavur to pursue further action as per Memo ந.க.3448/2018/A5 நாள்:21.05.2018 of the Revenue Divisional officer, Thanjavur and dispose of the petitioner's representation, dated 11.05.2018 on merits and in accordance with law, within a specified time frame that may be fixed by this Court.

2.Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 3 and Mrs.K.Mahalakshmi, learned counsel appearing for the respondents 4 to 6.

3. The learned counsel appearing for the petitioner would submit that the petitioner executed a sale deed on 09.02.2015 for a piece of land measuring 38.5 cents in T.S.No.1330/9B2 of Thanjavur Corporation which is in Patta No. 537 in his name. In the sale deed as stated above, only a piece of land



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measuring 38.5 cents alone was sold to Thiruvallargal Ajmal Khan, Mohamed Isaac and Syed Mubarak. Thereafter, transfer of Registry has been made in favour of the vendees by the Tahsildar, Thanjavur in his proceedings No.தொ.மு.ப.பா.5936/2015 நாள் 15.09.2015 for a piece of land measuring 0.1803.5 sq.mts (measuring 44.5 cents) in excess quite against the sale deed. But shockingly and surprisingly in the transfer of Registry, the name of his vendor and his legal heirs have been mentioned. The petitioner is the actual vendor in respect of the land in T.S.No.1300/9B2 for an extent of 38.5 cents. The excess of land transferred in the name of the vendee is in his possession till today. Therefore, the petitioner has presented a representation, dated 11.05.2018 to the Revenue Divisional Officer, Thanjavur and to the District Collector, Thanjavur on Jamabandi Day I.e., on 04.06.2019. The Revenue Divisional Officer, Thanjavur in his letter No தொ.மு.ப.பா.5936/2015 நாள் 15.09.2015 has directed the Tahsildar, Thanjavur to send report enclosing spot inspection report and all other records regarding the transfer of Registry made by the Tahsildar, Thanjavur on 15.09.2015 which is agitated by him. But so far no further action has been taken either by the Revenue Divisional officer, Thanjavur and Tahsildar, Thanjavur. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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4.The learned Special Government Pleader appearing for the respondents 1 to 3 submits that appropriate direction may be given to the respondents 1 to 3 to consider the petitioner's representation, dated 11.05.2018, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the petitioner to give fresh representation to the respondents 1 to 3 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents 1 to 3 shall consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter.

6.This Writ Petition stands disposed of with the above directions. No costs.

27.10.2022

Index : Yes/No
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To

WEB COPY

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V.BHAVANI SUBBAROYAN, J.

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