



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4152 of 2022

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R.Manikkam

... Petitioner

/Vs./

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Thasildar,
Muthukulathur Taluk,
Muthukulathur,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to direct the 3rd respondent to dispose of the petitioner pending application number O.Mu.B2/6409/2021 from his father patta No.59 to transfer the petitioner name Manikkam within stipulated time in Karumal Village, Muthukalathur Taluk, Ramanathapuram District, in accordance with law of Patta Pass Book Act of 1983 Sec. 10.

For Petitioner : Mr.M.Muniasamy, Advocate

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to pass final orders on the petitioner's application seeking for transfer of patta in his name in respect of Patta No.59 for the property situated in Karumal Village, Muthukalathur Taluk, Ramanathapuram District, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that his father, Rajendran was the absolute owner of the aforementioned property and Patta No.59 stands in his name. According to the petitioner, by a



family arrangement, the petitioner became entitled to the aforementioned property, after the death of his father. He has submitted an application on 25.08.2021 seeking for transfer of patta in his name. Since the said application has not been considered till date, he has filed this writ petition.

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3.It is also the case of the petitioner that under the family arrangement, his younger brother, Thanraj, was also allotted certain properties and patta has already been transferred in his name. But, in case of the petitioner, patta has not been transferred in his name for the properties allotted to the petitioner till date.

4.Heard Mr.M.Muniasamy, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.The learned Additional Government Pleader appearing for the respondents, on instructions would submit that the petitioner's younger brother, Thanraj has objected to the transfer of patta in favour of the petitioner and that is the reason for not passing final orders on the petitioner's application seeking for transfer of patta. The said statement is recorded.

6.No prejudice would be caused to the respondents, if the petitioner's application seeking for transfer of patta is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as his younger brother, Thanraj and any other necessary party, whom the third respondent deems fit to enquire.

7.According to the petitioner, after the death of his father, Rajendran, his two children, namely, R.Manikkam/petitioner and Thanraj have entered into a family arrangement, under which, both of them were allotted certain properties. Patta has already been transferred in the name of his younger brother, Thanraj, in respect of allotment of properties made to him, pursuant to the family arrangement. But only in respect of allotment of properties made to the petitioner, patta has not been transferred till date.

8.Though the petitioner's younger brother, Thanraj is said to have stated his objections for transfer of patta in Patta No.59 in the name of the petitioner, no prejudice will be caused to the respondents, if final orders are passed, after hearing the objections.



9. Accordingly, this Court directs the third respondent to consider the petitioner's application dated 25.08.2021 seeking for transfer of Patta No.59 from his father's name to his name and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and his younger brother, Thanraj and any other rival claimants, whom the third respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS III)

// True Copy //

/ /2022
Sub Assistant Registrar (CS)

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To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
3. The Thasildar,
Muthukulathur Taluk, Muthukulathur,
Ramanathapuram District.

+1 CC to M/s.SPL Government Pleader
(SR-11211[F] dated 10/03/2022)

+1 CC to M/s.M.MUNIYASAMY, Advocate
(SR-11606[F] dated 11/03/2022)

order made in
W.P.[MD]No.4152 of 2022
Dated:09.03.2022

SP/23/03/2022/3P/6C