



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3906 of 2022

Sneha M.Patel

... Petitioner

/Vs./

The Zonal Deputy Tahsildar,
Tahsildar Office,
Thiruverumbur Taluk,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider and dispose of the petitioner's representation dated 01.10.2021 given for transfer of Patta within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Karunanidhi
For Respondent : Ms.S.Jeya Priya
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider and dispose of the petitioner's representation dated 01.10.2021 seeking for issuance of transfer of patta in respect of the properties comprised in S.Nos.31/1A, 32/2A, 31/1C, 28/2, 27/1A, 32/1A, 28/1A, 26/4A measuring an extent of 9 acres 85 cents at Elanthapatti Village, Thiruverumbur Taluk, Trichy District and pass final orders, within a time frame to be fixed by this Court.

2.The petitioner claims that she is the owner of the aforementioned property, having got the same under a settlement deed executed by her sister, Purnima Patel registered as Document No.2130/20. She has sought for transfer of patta in her name for the aforementioned properties by giving representation on 01.10.2021 to the respondent. Since the representation has not been considered till date, she has filed this writ petition.

3.Heard Mr.R.Karunanidhi, learned Counsel for the writ petitioner and Ms.S.Jeya Priya, learned Government Advocate, who accepts notice on behalf of the respondent.



4.The learned Government Advocate, on instructions, would submit that the petitioner and her family members involved in a fraudulent case and a charge sheet has been filed before the CBI Court against them. It is contended that the said properties are attached by CBI and therefore, that is the reason for not considering the petitioner's application.

5.Even though the respondent contends that the subject properties are attached and a charge sheet has been filed before the CBI Court, this Court is of the considered view that no prejudice will be caused to the respondent, if the petitioner's application is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

6.According to the petitioner, she is the absolute owner of the aforementioned properties and in the affidavit filed in support of this writ petition, she has not disclosed about the attachment referred to by the learned Government Advocate appearing for the respondent.

7.While that being so, as observed earlier, no prejudice will be caused to the respondent, if the petitioner's application is considered on merits and in accordance with law. After holding an enquiry, if the respondent finds that the petitioner is not entitled for transfer of patta in her name, the respondent can reject the said application.

8.For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 01.10.2021 seeking for transfer of patta in her name in respect of the properties comprised in S.Nos.31/1A, 32/2A, 31/1C, 28/2, 27/1A, 32/1A, 28/1A, 26/4A measuring an extent of 9 acres 85 cents at Elanthapatti Village, Thiruverumbur Taluk, Trichy District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the respondent so deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

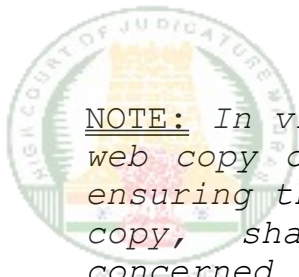
Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

The Zonal Deputy Tahsildar,
Tahsildar Office,
Thiruverumbur Taluk,
Trichy District.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-10259[F] dated 07/03/2022)

+1 CC to M/s.SPL GP (SR-10175[F] dated 04/03/2022)

order made in
W.P.[MD]No.3906 of 2022
Dated:03.03.2022

SM

MS/18.03.2022/3P.4C