



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4103 of 2022

V.R.Paramasivam

.. Petitioner

Vs

1.The District Collector,
District Collectorate,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Tahsildar Office,
Karaikudi Taluk,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to transfer the patta in the name of the petitioner's father one late Mr.Veerappa Chettiar as per order passed by the 2nd respondent, dated 15.07.2019, in respect of the property situated at Sivagangai District, Karaikudi Taluk, Kallal Revenue Village, in patta No.899 in S.No.252/36 and grant patta in the name of the petitioner's father considering the representation of the petitioner, dated 27.12.2021, within a reasonable time as may be fixed by this Court.

For Petitioner

: Mr.S.Sivasamy

For Respondents

: Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to transfer the patta in the name of the petitioner's father one Late Veerappa Chettiyar, as per order passed by the second respondent, dated 15.07.2019, in respect of the property situated at Sivagangai District, Karaikudi Taluk, Kallal Revenue Village, in patta No.899 in S.No.252/36 and grant patta in the name of the petitioner's father, by considering the representation of the petitioner, dated 27.12.2021, within a time frame to be fixed by this Court.

2.Heard Mr.S.Sivasamy, the learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.



3.It is the case of the petitioner that his father was the absolute owner of the property measuring an extent of 0.27.47 ares out of 0.30.32 ares comprised in S.No.252/36, Kallal Revenue Village, Karaikudi Taluk, Sivagangai District. According to the petitioner, by mistake, patta has been issued for the very same property in the name of the neighbours. In order to rectify the mistake, the petitioner has given a representation, dated 27.12.2021, to the respondents. Along with the representation, the petitioner has enclosed the documents in support of his claim that the petitioner's father was the absolute owner of the aforementioned property. Since the representation has not been considered till date, he has filed this writ petition.

4.Along with the writ petition, the petitioner has filed documents to establish his claim that the petitioner's father Veerappa Chettiyar (Late) was the owner of the property, situated at Sivagangai District, Karaikudi Taluk, Kallal Revenue Village in Patta No.899 and S.No.252/36. However, patta has now been issued for the very same property in the name of the petitioner's neighbours. In such circumstances, in order to rectify the defect the petitioner has given a representation, dated 25.12.2021, to the respondents, requesting them to rectify the mistake. Since the representation has not been considered till date, he has filed this writ petition.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, whom, the third respondent deems fit to enquire.

6.Accordingly, this Court directs the third respondent to consider the petitioner's representation, dated 25.12.2021, requesting for transfer of patta in the name of his father Late Veerappa Chettiyar as per order passed by the second respondent, dated 15.07.2019, in respect of the property situated at Sivagangai District, Karaikudi Taluk, Kallal Revenue Village in S.No.252/36 and Patta No.899 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, whom, the first respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

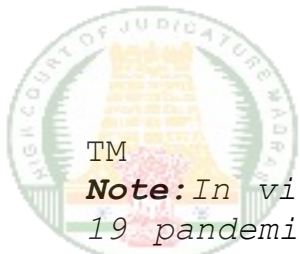
Sd/-

Assistant Registrar (RECORDS)

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/ /2022

Sub Assistant Registrar(CS)



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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.

To

- 1.The District Collector,
District Collectorate,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Tahsildar Office,
Karaikudi Taluk,
Sivagangai District.

+2 CC to M/s.S.SIVASAMY, Advocate (SR-10509[F] dated 08/03/2022)

+1 CC to M/s.SPL GP (SR-11160[F] dated 10/03/2022)

W.P. (MD)No.4103 of 2022
08.03.2022

_SS/22.03.2022 : 3P/7C