



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4228 of 2022

Dhanabalan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

3.Arockyamary

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to change the patta in respect of the land situated in S.No.204/17A (to an extent of 7 cents) and S.No.204/4A4A (to an extent of 6 cents) of Somanathamangalam Village Group, Kalayarkovil Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

For Respondents 1&2 : Mr.B.Saravanan
Additional Government Pleader

For Respondent No.3 : Mr.J.Jeyakumaran

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to transfer the patta in respect of the land situated in S.No.204/17A measuring an extent of 7 cents and S.No.204/4A4A measuring an extent of 6 cents of Somanathamangalam Village Group, Kalayarkovil Taluk, Sivagangai District, in the name of the petitioner based on the petitioner's application dated 04.01.2022.

2.It is the case of the petitioner that he is the absolute owner of the aforementioned property. According to him, the third respondent is also claiming right over the same properties and is also attempting to encroach the same. According to the petitioner, the patta for the aforementioned properties stand in the name of Shanmugam @ Shanmugasundaram which is disputed by the third



respondent. Enquiry notice has also been issued by the second respondent with regard to the petitioner's application. Since final orders have not been passed on the petitioner's application seeking for transfer of patta in his name for the aforementioned properties, the petitioner has filed this writ petition.

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3. Heard Mr.V.Kannan, learned Counsel for the writ petitioner, Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 & 2 and Mr.J.Jeyakumaran, learned Counsel who accepts notice on behalf of the third respondent.

4. The third respondent disputes the contentions of the petitioner and disputes the petitioner's ownership over the aforementioned properties.

5. No prejudice would be caused to the official respondents if the petitioner's application seeking for transfer of patta in his name for the aforementioned properties is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and the third respondent.

6. Accordingly, this Court directs the second respondent to consider the petitioner's application dated 04.01.2022 seeking for transfer of patta in his name in respect of the properties comprised in S.No.204/17A measuring an extent of 7 cents and S.No.204/4A4A measuring an extent of 6 cents of Somanathamangalam Village Group, Kalayarkovil Taluk, Sivagangai District and pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the third respondent as well as any other rival claimants whom the second respondent deems fit to enquire.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-11801[F] dated 14/03/2022)

W.P. [MD]No.4228 of 2022

10.03.2022

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