



W.P.No.32117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32117 of 2023
and
W.M.P.No.31697 of 2023

1.Mallika
2.P.Senguttuvan

... Petitioners

versus

1.The District Collector,
Dharmapuri.
2.The District Revenue Officer,
Dharmapuri.
3.The Tahsildar,
Palacode, Dharmapuri District.
4.D.Marudan
5.Muthusamy
6.Durai Arasu

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 herein to forthwith consider the representation dated 27.08.2019 of the second petitioner's



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father late.Panneerselvam and transfer the Patta in respect of the land to an extent of 0.44.0 hectares in Survey No.70/1A1, Thomalahalli Village, Palacode Taluk, Dharmapuri District in the name of the petitioners herein.

For Petitioner : Mrs.AL.Ganthimathi
Senior Counsel for
Mr.V.Kumaravelan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to R3

ORDER

Mr.V.Veluchamy, learned Additional Government Pleader takes for respondents 1 to 3. Since no adverse order is being passed as against respondents 4 to 6, notice to those respondents is dispensed with.

2. This Writ Petition has been filed seeking a Mandamus directing respondents 1 to 3 herein to consider the representation of the second petitioner's father Late.Panneerselvam, dated 27.08.2019 and to transfer the Patta in respect of the land measuring an extent of 0.44.0 hectares in Survey



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No.70/1A1, Thomalahalli Village, Palacode Taluk, Dharmapuri District in the name of the petitioners herein.

3. The case of the petitioners is that originally the property measuring an extent of 11.08 acres in S.No.70 at Thomalahalli Village, Palacode Taluk, Dharmapuri District belonged to one T.K.Gopal. Later the said property has been subdivided as S.No.70/1 admeasuring 10.08 acres and S.No.70/2 admeasuring 1.00 acre. The land in S.No.70/2 has been gifted as Boomidhan lands. While so, the said T.K.Gopal has gifted the property measuring an extent of 10.08 acres in S.No.70/1 equally to his two sons namely, Pannerselvam and Nakeeranas. The said Pannerselvam, executed a sale deed in favour of his sister, the first petitioner herein. The second petitioner herein is the son of the Late.Pannerselvam. At the time of registration, the said Pannerselvam came to know that the lands in S.No.70/1 has been subdivided as S.Nos.70/1A1 and 70/1A2 and alleging that the lands in S.No.70/1A1 has been gifted as Boomidhan lands and registration was allowed only in respect of the lands in S.No.70/1A2. Hence, the said Pannerselvam made a representation dated 27.08.2019 to



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respondents 1 and 2 to grant patta to the land in respect of Survey No.70/1A1 in his favour and in respect of Survey No.70/2 in favour of Boomidhan Board since land in Survey No.70/1A1 belongs to him. Pursuant to the said representation, the second respondent issued notice for enquiry on 10.11.2022. However, the said Pannerselvam died on 08.11.2022 and hence, the petitioners herein appeared for enquiry. In spite of enquiry being conducted by the second respondent in the year 2022, no orders have been passed till date. For the same reasons, the second petitioner also made a representation dated 19.01.2023 before the first respondent. However, no orders have been passed till date, the petitioners are before this Court.

4. Today, the learned Senior Counsel appearing for the petitioners submitted that it would suffice if a direction is issued to the third respondent to transfer the Patta in respect of the subject property in the name of the petitioners by considering the representation of the second petitioner's father Late.Panneerselvam, dated 27.08.2019 and the second petitioner dated 19.01.2023.



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5. The learned Additional Government Pleader appearing for respondent 1 to 3 submitted that the third respondent will consider the representations and pass orders on merits in accordance with law as expeditiously as possible.

6. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioners, without expressing any opinion with regard to the merits of the case, the third respondent is directed to consider the representation of the second petitioner dated 19.01.2023 and pass appropriate orders, on merits and in accordance with law, after giving notice to all the interested parties, rival claimants and/or adjacent owners, including respondents 4 to 6, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.



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8. W.M.P.No.31697 of 2023 is ordered on payment of separate Court fees by each of the petitioners.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

- 1.The District Collector,
Dharmapuri.
- 2.The District Revenue Officer,
Dharmapuri.
- 3.The Tahsildar,
Palacode,
Dharmapuri District.

Pg.Nos.6/7



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