



W.P.(MD)No.474 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.474 of 2021

Moorthi.P,

... Petitioner

Vs

1. The District Collector,
Ramanathapuram District, Ramanathapuram..

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

3. The Tahsildar,,
Ramanathapuram District, Ramanathapuram.

4.The Tahsildar
Keelakarai, Ramanathapuram District
(R4 has been impleaded vide order dated 10.10.2023
in WMP(MD) No.18810/2023)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to transfer the patta in the name of the petitioner as per the orders in O.s.No. 126/78 dated 14.11.1984 and I.a.No. 487 of 1988 dated 12.06.1998 based on the representation of the petitioner dated 02.12.2020 within the specific time frame as fixed by this Honourable Court



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For Petitioner :Ms.Pamelin.W,
For Respondents :Mr.A.K.Manikkam for R1 to R4
Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to act upon the representation made by the petitioner on 02.12.2020, wherein the petitioner has sought for transfer of patta in his name pursuant to the judgment passed in O.S.No. 126/1976 dated 14.11.1984.

2. The case of the petitioner is that the father of the petitioner had already filed an appeal before the Revenue Divisional Officer and sought for cancellation of the patta that was granted in favour of Boominathan and for issuance of patta in favour of the father of the petitioner. This was considered by the Revenue Divisional Officer, Ramanathapuram and through proceedings dated 20.03.2014, direction was issued to the Tahsildar to transfer the patta in the name of the father of the petitioner with respect to the subject property. The father of the petitioner died on 09.05.2013 and therefore, the petitioner is seeking for the issuance of patta in his name.



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Since the same was not considered, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. In the considered view of this Court, the petitioner is relying upon the decree passed by the competent civil Court in O.S.No.126/1976 dated 14.11.1984 and also proceedings of the Revenue Divisional Officer, Ramanathapuram, dated 20.03.2014 and seeks for the transfer of patta in his name. In the absence of any challenge made to the proceedings of the Revenue Divisional Officer or any restraint order passed by any competent Court, the fourth respondent has to necessarily act upon the representation made by the petitioner and transfer the patta in his name.

5. In view of the same, there shall be a direction to the fourth respondent to consider the representation made by the petitioner and to take a final decision within a period of four weeks from the date of receipt of a



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copy of this order. The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order.

This writ petition is disposed of in the above terms. No costs.

09.10.2023

NCC :Yes/No

Index :Yes/No

RR

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram..

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

3. The Tahsildar,,
Ramanathapuram District, Ramanathapuram..



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N.ANAND VENKATESH, J.

RR

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