



W.P.(MD) No.10318 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.10318 of 2020

J.Selvam

... Petitioner

/vs./

- 1.The District Collector,
Thanjavur District Collectorate,
Thanjavur 613 010.
- 2.The District Revenue Officer,
Thanjavur District
Thanjavur Collectorate Complex,
Thanjavur 613 010.
- 3.The Special Deputy Collector,
Aadhi Dravidar Nala Thurai,
Office of the Special Deputy Collector,
Thanjavur District Collectorate Complex,
Thanjavur District 613 010.
- 4.The Special Tahsildar,
Nagarpura Nilavari Thittam,
Kumbakonam Municipality,
Dr.Murthy Road,
Kumbakonam 612 001.

... Respondents



W.P.(MD) No.10318 of 2020

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take necessary action in accordance with law for instructing more particularly the 4th respondent to arrange to change the name as per the Registered Sale deed No.1544 of 2020 dated 24.03.2020 on the file of the Sub Registrar, Joint-I Kumbakonam from the Previous Patta name holder Victoria to the petitioner's name in the patta in the revenue records and issue the patta in this petitioner's name free of cost as the fees for patta charge has already been Collected by the Registration Department at the time of Registration.

For Petitioner : Mr.R.Prakash
For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The jurisdiction of this Court has been invoked to issue a Mandamus to the respondents to transfer the patta in the name of the petitioner as he has purchased the property from one Victoria to whom the said property was originally allotted under the Adi Dravidar Welfare Scheme.

2.It is the case of the petitioner that on 30.11.1989 his vendor, Victoria has been granted patta by the Special Tahsildar, Adi Dravidar Welfare in respect of the



W.P.(MD) No.10318 of 2020

WEB COPY

land in S.Nos.2083/2B and 2086 at Perumandi Village and 3.39448 sq.ft has been acquired for providing house sites to the landless Adi Dravidars. Under this scheme, the petitioner's vendor had been allotted plot No.8. The petitioner would submit that he had approached the fourth respondent to effect mutation of revenue records in his favour. However, no action in this regard has been taken despite the repeated representations made by him. Therefore, the petitioner has filed the instant writ petition.

3.When the matter was listed on 12.06.2023, this Court had directed the respondents to obtain the files with reference to the assignment in respect of the 67 plots and also to provide the proof as to whether there has been a cancellation of the patta in the name of the petitioner's vendor.

4.The learned counsel for the petitioner would represent that to his query under the RTI Act, he was informed that the files were not available. Today, when the matter came up, the learned Government Advocate for the respondents would submit that there is no file to show that there has been a cancellation of the patta



W.P.(MD) No.10318 of 2020

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in the name of the petitioner's vendor and a letter signed on 20.06.2023 issued by the Special Tahsildar, Adi Dravidar Welfare, Kumbakonam to the Special Tahsildar, Land Revenue, Kumbakonam stated that there is no document to show that the patta given to the petitioner's vendor, Victoria has been cancelled.

5.Considering the submissions made by the learned counsels on either side and the records that have now been produced particularly the letter of the Special Tahsildar, Adi Dravidar Welfare, Kumbakonam signed on 20.06.2023, enclosing the orders assigning the patta to Victoria and 66 others, I see that there is no impediment to grant patta in the name of the petitioner, particularly when the property has been purchased by him from the original assignee nearly 31 years after the original assignment in favour of the said Victoria.

6.In the result, the Writ Petition is allowed with a direction to the fourth respondent or the authorised officer to effect mutation of the revenue records in the name of the petitioner from that of his vendor, Victoria within a period of four



W.P.(MD) No.10318 of 2020

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weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

27.06.2023

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To

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W.P.(MD) No.10318 of 2020

P.T.ASHA, J.

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W.P.(MD) No.10318 of 2020

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