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W.P.No.3271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.3271 of 2024

and

W.M.P.No.3538 of 2024

1.N.Mahesh Kumar Jain

2.Manju

... Petitioners

Vs.

1.The District Collector,
District Collector Office,
Dharmapuri District.

2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Dharmapuri.

3.The Zonal Deputy Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

4.The Tahsildar,
Tahsildar Office,
Pennagaram Taluk,
Dharmapuri District.

5.The Village Administrative Officer,
Manjarahalli Village,
Pennagaram Taluk,
Dharmapuri District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to issue Patta in the petitioners name for the property in S.F.No.622/2 in Ramakondahalli Village, Pennagaram Taluk, Dharmapuri District and S.F.No.814/2 in Manjarahalli Village, Pennagaram Taluk, Dharmapuri District by considering the petitioners' representations dated 16.09.2021, 28.09.2021.

For Petitioners : Mr. C. Ramaraj

For Respondents : Mr. T. Arunkumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to issue Patta in the name of the petitioners for the property in S.F.No.622/2 in Ramakondahalli Village, Pennagaram Taluk, Dharmapuri District and S.F.No.814/2 in Manjarahalli Village, Pennagaram Taluk, Dharmapuri District by considering the petitioners' representations dated 16.09.2021, 28.09.2021.

2. The contention of the petitioners is that the petitioners had purchased the properties in S.F.No.622/2, 655/1 in Ramakondahalli Village Pennagaram Taluk, Dharmapuri District (for brevity “Subject



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Property-I) and the property in S.F.No.814/2 in Manjarahalli Village, Pennagaram Taluk, Dharmapuri District (for brevity “Subject Property -II) by way of auction sale and that the sale certificates were also issued in the year 2014 itself for both the properties. Thereafter, they registered the sale certificates and possession is also with the petitioners. On 16.09.2021, the 1st petitioner sent a representation to the respondents 4 and 5 through post and also gave an application to the 3rd respondent on the same day for subdivision. Thereafter, on 27.01.2022, he made online applications for sub division and Patta Transfer and thereafter, he came to know that both the applications were rejected by the respondents. Thereafter, he went in person and met the respondents 3 and 4 with all the requisite documents and explained in detail after which, the 4th respondent issued Patta only for the part of the Subject Property-I i.e. lands in S.No.665/1 and 665/2 vide order dated 18.10.2022 and 16.11.2022 and that, Pattas were not granted to S.F.No.622/2 and S.F.No.814/2. Hence, the 1st petitioner submitted a detailed representation annexing all the documents to the 2nd respondent requesting to consider his application. After continuous efforts, the 2nd respondent summoned the 1st petitioner for enquiry on 20.06.2023 and the 1st petitioner also appeared and produced all the requisite documents and



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explained them in detail. Even after completion of enquiry, there is no progress and still the revenue records are not mutated. Hence, the present Writ Petition is filed.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents.

4. Heard and perused the materials available on record.

5. Having regard to the facts of the case and since this petition is filed seeking a simple writ of mandamus, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to consider the petitioners applications/representation and issue notice to the petitioners, adjacent land owners of the four boundaries of the subject properties and rival claimants/interested parties/objectors if any, as the case may be and after giving notice and opportunity of hearing to the parties, conduct a fresh enquiry and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition is disposed of. The connected Miscellaneous Petition is ordered subject to payment of separate Court fee by the other Writ Petitioner.

7. There shall be no order as to costs.

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Index : Yes / No
Neutral Citation Case : Yes/No

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To

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P.VELMURUGAN. J.

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