



W.P.No.5886 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5886 of 2020

T.Padmajothi

...Petitioner

Vs

1. The Tahsildar
Coonoor Taluk
The Nilgiris District.

2. The District Collector,
The Nilgiris District.

3. T.Vijayakumar

.....Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to survey, measure and transfer patta for the land and building, namely the property comprised in R.S.No. 2722, T.S.No. 1/1, Ward No. C, Block No. 10, bearing Door No. 28, Coonoor Town, Coonoor, the Nilgiris District following the applications of the petitioner dated 30.07.2019 and 04.11.2019 for transfer of patta.



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For Petitioner : Mr.S.Sadasharam

For R1 & R2 : Mr.K.Surendran
Additional Government Pleader

For R3 : left

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the first respondent to consider the application of the petitioner dated 30.07.2019 and 04.11.2019 to survey, measure and transfer patta for the land and building, namely the property comprised in R.S.No. 2722, T.S.No. 1/1, Ward No. C, Block No. 10, bearing Door No. 28, Coonoor Town, Coonoor, the Nilgiris District

2. The case of the petitioner is as follows:-

2.1 The husband of the petitioner namely late D.Rajan purchased a total extent of 1090 sq. feet of house site under sale deed dated 31.03.1994 registered as Document No. 420 of 1994 in the office of the Sub Registrar, Coonoor, the Nilgiris District from one Raju Bettan, The property comprised in R.S.No. 2722, T.S.No. 1/1, Ward No.C, Block No. 10. Thereafter, he was absolutely enjoying the above said extent of land in his own right as absolute



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owner of the same. The husband of the petitioner died intestate on 12.11.2012 leaving behind the petitioner and his three sons as the only legal heirs entitled to succeed to the estate of D.Rajan namely the above said property and all the three sons of the petitioner released their 3/4th share in the above said property to and in favour of the petitioner under a Deed of Release dated 11.09.2013 registered as Documents No. 2168 of 2013 on the file of the Sub-Registrar, Coonoor, the Nilgiris District and therefore, the petitioner have become the full owner of the above said property of an extent of 1090 sq.feet.

2.2 On account of personal commitment and constraints, the petitioner was living in the city of Chennai and the property in question namely the house site with a building thereon has been let out to a tenant. Taking advantage of the absence of the petitioner in the locality where the property is situated, the third respondent is found to have encroached into the property of the petitioner and annexed an extent of about 500 sq. feet without the knowledge of the petitioner and therefore the petitioner gave a representation to the first respondent on 30.07.2019 requesting the first respondent to survey the land and building and issue patta transfer with respect to the petitioner's property



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bearing Door No. 28, Coonoor Town, Coonoor. The petitioner has also paid necessary fees and the first respondent on receipt of the same has assigned the petitioner the application No. 2019/0153/11/001167.

2.3 After receiving the application of the petitioner dated 30.07.2019, the 1st respondent has not initiated any action and therefore again the petitioner submitted another application on 04.11.2019 and the application of the petitioner has been assigned Application No. 2019/0154/000414 and in spite of petitioner's applications dated 30.07.2019 and 04.11.2019 for transfer of patta on survey of the land and building and in spite of repeated requests of the petitioners, the first respondent has not taken any action. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 30.07.2019 and 04.11.2019 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.



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4. The learned Additional Government Pleader appearing for the first and second respondent has no objection for the said order being passed by this Court.

5. Heard both sides and perused the materials available on record.

6. In view of the above, the first respondent is directed to conduct detailed enquiry by giving notice to both the parties, opportunity of personal hearing and to consider the documents submitted by the parties, to survey the property and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

7. With above said observation and direction, this writ petition is disposed of. No costs.

07.06.2024

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Index:Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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To
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Coonoor Taluk
The Nilgiris District.
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J.SATHYA NARAYANA PRASAD, J.

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