



WEB COPY



W.P.No.27694 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.27694 of 2019

1. M.Velayudham
2. Chitti Babu
3. Ramesh

...Petitioners

-Vs-

1. The District Collector
Vellore District.
2. The Revenue Divisional Officer,
Collector Office,
Vellore.
3. The Tahsildar
Katpadi Taluk,
Katpadi,
Vellore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus directing the respondents to transfer the patta in name of petitioner and another by issue of separate patta in respect of property wherein Survey No. 332 of Brahmapuram Village.

For Petitioners : Mr.D.Rajagopal



WEB COPY



W.P.No.27694 of 2019

For Respondents : Mr.K.Surendran
Additional Government Pleader

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the respondents to transfer the patta in the name of petitioner and another by issue of separate patta in respect of Survey No. 332 of Brahmapuram Village.

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

The petitioner and two others are owner of the property measuring 8 cents in Survey No. 332 of Brahmapuram Village. In respect of said property, one Sivaraj and Manikkam has filed a suit as against the petitioner and two others. The said suit filed by the said Sivaraj and another before the learned District Munsif Katpadi, was decreed on 25.03.2014. Against which the petitioner and two others filed a first appeal in A.S.No. 40/2014 on 27.02.2015 and the same was allowed in favour of the petitioner by learned Sub-Judge. Aggrieved against the judgment rendered by the learned Sub-judge, the said Sivaraj and another filed a second appeal in S.A.No. 529 of 2015. The second appeal filed by the Sivaraj and another was dismissed in



W.P.No.27694 of 2019

favour of the petitioner. After the judgement, the petitioner gave a representation on 29.01.2019 to the Tahsildar to subdivide the patta and transfer the patta in the name of the petitioner and other in respect of the survey No. 332/1. After receipt of the representation, the Tahsildar did not consider the same. Then the petitioner gave representation to Revenue Division Office and District Collector requesting to transfer the patta in the name of the petitioner in respect of Patta No. 1540. After receipt of all the representation, the respondents did not considered the representation of the petitioner. 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 third respondent to consider the petitioner's representation dated 18.05.2019 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

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

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



W.P.No.27694 of 2019

6. In view of the above, the following order is passed by this Court:-

“The third respondent is directed to consider the representation of the petitioner dated 18.05.2019 after conducting detailed enquiry by giving due notice to both the parties, opportunity of personal hearing, to consider the documents filed by both the parties at the time of enquiry, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice within a period of eight weeks from the date of receipt of copy of this order.”

7. The writ petition is disposed of with the above said observations and directions. No costs.

24.07.2024

nsI

Index:Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

To

1. The District Collector,
Vellore District.
2. The Revenue Divisional Officer,
Collector Office, Vellore.
3. The Tahsildar,
Katpadi Taluk, Katpadi, Vellore.



WEB COPY



W.P.No.27694 of 2019

J.SATHYA NARAYANA PRASAD, J.

ns1

W.P.No.27694 of 2019

24.07.2024