



W.P.No.23498 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.23498 of 2019

N.Babu

... Petitioner

Vs.

1.The Thasildhar,
Villupuram.

2.Narayanasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to transfer Patta in favour of the petitioner in respect of the Old Survey No.331 (New Survey No.331/4A)-2 Acres of Land out of 5 Acres in Naraiyur Village, Villupuram Taluk, Villupuram District by considering the application for transfer of Patta in Application No.2017/0105/07/034165 dated 11.03.2017 and also the representation dated 24.06.2019.

For Petitioner : Mr.N.Suresh

For Respondents :

For R1 : M/s.M.Jayanthy
Additional Government Pleader

For R2 : Mr.D.Rajagopal

ORDER



W.P.No.23498 of 2019

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to transfer Patta in favour of the petitioner in respect of the Old Survey No.331 (New Survey No.331/4A)-2 Acres of Land out of 5 Acres in Naraiyur Village, Villupuram Taluk, Villupuram District by considering the application for transfer of Patta in Application No.2017/0105/07/034165 dated 11.03.2017 and also the representation dated 24.06.2019.

2. The case of the petitioner is that he is the absolute owner of the subject matter property in S.No.331-2, measuring to an extent of 2 Acres out of 5 Acres of land, at Naraiyur Village, Villupuram Taluk, Villupuram District. The petitioner purchased the subject property on 02.01.1993 for valid consideration from one A.Velu Udayar, who was the owner of the property by a Registered Sale Deed. The petitioner further submitted that the said A.Velu Udayar illegally created another Sale Deed in respect of the whole extent of 5 Acres of land in favour of one T.Paramasivam on 24.02.1993, which includes the property already sold in favour of the petitioner. Hence, the petitioner filed a suit in O.S.No.522 of 1996 on the file of the District Munsif Court, Villupuram District against the said Velu Udaiyar and T.Paramasivam and the suit was decreed in favour of the petitioner on 14.08.2000, for declaration of title and



W.P.No.23498 of 2019

recovery of possession. Aggrieved by the same, the said T.Paramasivam preferred an appeal in A.S.No.101 of 2000 on the file of the Additional District Court, Villupuram, which was dismissed on 08.08.2001. Thereafter, the said T.Paramasivam filed Second Appeal in S.A.No.262 of 2002. After hearing both sides, the Second Appeal was dismissed by this Court on 16.04.2008, and has become final.

3. The further case of the petitioner is that pursuant to the Judgment and Decree, the petitioner filed Execution Petition in E.P.No.92 of 2011, for delivery of possession and the property was delivered to the petitioner in presence of the legal heirs of T.Paramasivam, through Court on 25.09.2014. In spite of that, two of his legal heirs namely P.Narayanasamy and P.Hariharan, prevented the petitioner from enjoying the property peacefully. The petitioner has made several applications for transfer of Patta, more particularly on 11.03.2017 vide Online Application No.2017/0105/07/034165. In this regard, the petitioner has also sent representation dated 24.06.2019 to the first respondent, but no steps have been taken so far. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner has given representation dated 24.06.2019 to the first respondent and the same is not disposed of till date.



W.P.No.23498 of 2019

WEB COPY

5. In view of the above submission made by the learned counsel appearing for the petitioner, the first respondent is directed to consider the representation dated 24.06.2019 of the petitioner by conducting a detail inquiry, after giving due notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by observing the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above observations and directions. No costs.

11.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
arb

To

The Thasildhar,
Villupuram.



WEB COPY



W.P.No.23498 of 2019

J.SATHYA NARAYANA PRASAD, J.

arb



WEB COPY



W.P.No.23498 of 2019

W.P.No.23498 of 2019

11.07.2024