



WEB COPY



W.P.No.28164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28164 of 2024

The Integrated Development Education
Ethics & Action Society, Andimadam (IDEEAS)
Represented by its president S.Santhanamoorthi
S/o Singaravel
Residing at
No. 345, Uludurpettai Road
Vayalur, Virudhchalam Town
Cuddalore District-601 001

... Petitioner

Vs

1. The Tamil Nadu Information Commission
No 19 Government Estate House
Fernpettai
Nandhanam
Chennai-600 035
2. The Commissioner for Land Administration
Elizhgam
Chepauk
Chennai-600 005
3. The Revenue Divisional Officer
Udayarpalayam
Ariyalur District



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4. The Tahsildar
Andimadam Taluk
Ariyalur District

5. Kayalvizhi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a directing the respondents to cancel the name transfer effected from patta no. 1203 to patta nos. 1901 and 1902 vide letter no. Na.Ka.A2/324/2024 dated 16.02.2024 issued by the 4th respondent complying with the order passed by the 3rd respondent vide Na.Ka.A2/324/2024 dated 16.02.2024 and the consequential direction issued by the 2nd respondent vide order dated 29.02.2024 made in case no/SA18520/Enquiry/E/2022 within a stipulated time.

For Petitioner : Mr.T.P. Prabhakaran

For Respondent-1 : Mr.C. Vigneshwaran
Standing Counsel

For respondents 2 to 4 : Mr. G.Velu
Additional Government Pleader

For Respondent-5 : Served – No Appearance



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ORDER

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This writ petition is filed for a mandamus directing the respondents to cancel the name transfer effected from Patta No.1203 to Patta Nos. 1901 and 1902, as per letter No.Na.Ka.A2/324/2024 dated 16.02.2024 issued by the 4th respondent, in compliance with the order passed by the 3rd respondent vide Na.Ka.A2/324/2024 dated 16.02.2024, and the consequential direction issued by the 2nd respondent vide order dated 29.02.2024 in case No. SA18520/Enquiry/E/2022, within a stipulated time.

2. The petitioner claims to be the absolute owner of an extent of 6 acres in Survey Nos.56/2, 56/3B, 56/4A2, 56/8 ad 56/9B. On 17.04.2020, one Kayalvizhi had given a petition to the 4th respondent for transfer of patta in her name. This transfer was effected by the 4th respondent on the basis of a Sale Deed said to have been executed by the petitioner-Society in favour of one Arputhamary and the said Aruputhamary, in turn, had executed a Sale Deed in favour of

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Ramarathinam and Kayalvizhi. The petitioner, on coming to know about the same, made a representation to the 1st respondent requesting them to provide the documents relied upon by the 4th respondent for effecting transfer of patta. The 1st respondent vide order dated 29.03.2022 had directed the 2nd respondent to conduct a detailed enquiry. The 3rd respondent conducted an enquiry and had given a finding that the patta transfer has been effected wrongly. Thereafter, the petitioner made a request to cancel the patta. The 1st respondent advised the respondents 2 and 3 to take a final decision which has not been done so. Hence, this Writ Petition has been filed.

3. Heard the learned counsel on either side. The private notice which has been sent to the 5th respondent has been returned with an endorsement “refused”. It is also seen that the postal authorities have attempted to serve the addressee on four occasions. Finally, the addressee has refused to receive the notice. Therefore, there is a deemed service on the 5th respondent.



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4. After the report of the 3rd respondent stating that the patta transfer effected in favour of the 4th respondent was erroneously done and the direction of the 1st respondent dated 29.02.2024 directing the respondents 2 and 3 to take a final decision, the respondents 2 and 3 are dragging their feet. Therefore, considering the prejudice that has been caused to the petitioner on account of the erroneous transfer of the patta, a mandamus is issued to the respondents to take note of the detailed report given by the 3rd respondent and the directions of the 1st respondent and pass orders, after issuing notice to the 5th respondent, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

06.11.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To

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P.T.ASHA, J.,

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