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W.P.No.31368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.31368 of 2024

L.Muruganandam

...Petitioner

Vs.

1. The District Collector,
District Collectorate Complex,
Dharmapuri District.
 2. The Revenue Divisional Officer,
Dharmapuri Division,
Dharmapuri District.
 3. The Tahsildar,
Palacode Taluk,
Dharmapuri District.
 4. The Zonal Deputy Tahsildar,
Palacode Taluk, Dharmapuri District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to dispose of my patta transfer application vide 2024/0103/05/250533 dated 08.02.2024 and transfer the patta for S.Nos. 53/2; 43/5B; 43/5A; 42/5B; 42/5A; 56/4; 56/5; 57/10; 35/2; 30/4; 31/1B; 30/3; 31/1A; 30/2; 30/1; 90/9; 52/6 in Nallur Village, Palacode Taluk, Dharmapuri District in the petitioner's name, within a time frame fixed by this Court.



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W.P.No.31368 of 2024

For Petitioner : Mr.C.Narendren

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the third respondent to dispose of his application bearing No.2024/0103/05/250533 dated 08.02.2024 seeking transfer of patta in his favour in respect of the property situated in survey nos. 53/2; 43/5B; 43/5A; 42/5B; 42/5A; 56/4; 56/5; 57/10; 35/2; 30/4; 31/1B; 30/3; 31/1A; 30/2; 30/1; 90/9; 52/6 at Nallur Village, Palacode Taluk, Dharmapuri District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the above mentioned properties originally belong to the petitioner's grandfather Bharata Gounder, who had two sons namely Govinda Gounder and Chinna Pillai Gounder. The petitioner's mother Radha filed a suit in O.S.No.268 of 1995 for declaration of title and



W.P.No.31368 of 2024

recovery of possession against her uncle Chinna Pillai Gounder and the same was decreed in her favour. Subsequently, the petitioner being the only legal heir of the said Radha, filed an Execution Petition in R.E.P.No.24 of 2002 and got possession of the property through court. After taking delivery of the property, the petitioner submitted an application seeking transfer of the revenue records pertaining to the said property and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. It is the specific contention of the learned counsel for the petitioner that the above mentioned property was delivered to the petitioner through Court in view of the order passed in R.E.P.No.24 of 2002 and inspite of the same, the respondents have not considered the representation of the petitioner seeking transfer of the revenue records in his name.

5. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents would submit that if the petitioner produces the delivery account for taking possession of the property through court, the application of the petitioner will be considered on its own merits and appropriate orders will be passed.



W.P.No.31368 of 2024

WEB COPY

6. In view of the above submission made by the learned Additional Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the petitioner to submit delivery account in R.E.P.No.24 of 2002 before the third respondent to prove the fact of taking possession of the property through Court, within a period of four weeks from the date of receipt of a copy of this order. On such production, the third respondent shall consider the on-line application of the petitioner dated 08.02.2024 and pass appropriate orders, as per law, within a period of six weeks thereafter.

7. With the above direction, this Writ Petition is disposed of. No costs.

21.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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W.P.No.31368 of 2024

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WEB COPY



W.P.No.31368 of 2024

S. SOUNTHAR, J.

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W.P No.31368 of 2024

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