



WEB COPY



WP.No.34980 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34980 of 2024

Mr.P.Balaji Deepak

Vs

...Petitioner

The Revenue Divisional Officer,
Office of the Collector, Vellore
District, Vellore-632012.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to issue a patta for the property by name RCC House bearing old door Nos.263A and 263B, new door No.522, North Vellore Town Revenue Ward No.1, Municipal Ward Old No.10 and New No.20, Corporation Ward No.35, Block No.18, T.S.No.1467/Part in Saidapet, Main Bazaar Street within the Vellore SRO-Joint 1, Vellore Registration District and Vellore District in favour of the petitioner within a time period and fixed by this Court.

For Petitioner : Mr.M.Rajeswaran
For Respondent : Mr.A.Selvendran, SGP

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondent.



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2. The case of the petitioner is as follows :

(i) The petitioner, along with his wife, jointly purchased a house property bearing old door Nos.263A and 263B, new door No.522, North Vellore Town Revenue Ward No.1, Municipal Ward Old No.10 and New No.20, Corporation Ward No.35, Block No.18, T.S.No. 1467/Part in Saidapet, Main Bazaar Street within the Vellore SRO-Joint 1, Vellore Registration District and Vellore District from one Mr.Jawahar, one Mr.J.Jothi Anandhan, Mrs.J. Hemalatha and Mrs.J.Geetha through a sale deed dated 23.11.2022 registered as doc.No.12621 of 2022 on the file of the Sub-Registrar, Vellore.

(ii) Ever since the date of purchase, the petitioner and his wife are in absolute possession and enjoyment of the said property. Earlier, the vendors of the petitioners also filed a suit in O.S.No.793 of 1967 before the Principal District Munsif Court, Vellore and by judgment dated 30.9.1969, it was established that the said property was a private land and not a burial ground for muslims. They also held patta in their favour.

(iii) Thereafter, the petitioner sent a representation dated 05.8.2024 seeking for transfer of patta in his name and in the name of his wife. The said representation is still pending without any progress. Hence the writ petition.



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3. In the considered view of this Court, the respondent, who is duty bound to dispose of the said representation, has failed to discharge his statutory duty.

4. Hence, the writ petition is allowed and a Mandamus is issued to the respondent to consider the said representation dated 05.8.2024 for the issuance of patta, hold an inquiry, afford an opportunity of personal hearing to the petitioner and thereafter pass appropriate orders. The said exercise shall be completed within a period twelve weeks from the date of receipt of a copy of this order. In case of rejection, it is made clear that the respondent shall pass a speaking order. No costs.

26.11.2024

To
The Revenue Divisional Officer,
Office of the Collector, Vellore
District, Vellore-632012.

RS



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P.T.ASHA,J

RS

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