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W.P.No.35941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35941 of 2024

A.Rajendiran

...Petitioner

Vs.

1.The Revenue Divsional Officer
Arni,
Tiruvannamalai district

2.The Tahsildar
Taluk Office, Polur,
Tiruvannamalai District

3.The Zonal Deputy Tahsildar
Polur Taluk,
Tiruvannamalai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's online application dated 30.10.2024 and



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thereby direct the respondents to transfer the patta into the petitioner's name in respect of the property situated in survey No.239/5A, Patta No.1465, Athuvampadi, Polur Taluk, Tiruvannamalai District.

For Petitioner : Mr. B.Gopalakrishnan

For Respondents : Mr. A.Selvendran
1 to 3 Special Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To direct the respondents to consider the petitioner's online application dated 30.10.2024 and thereby direct the respondents to transfer the patta into the petitioner's name in respect of the property situated in survey No.239/5A, Patta No.1465, Athuvampadi, Polur Taluk, Tiruvannamalai District”.



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2. According to the petitioner, the property measuring an extent of 1 acre 80 cents, in S.No.239/5, originally belonged to Kariya Gounder and Annamalai Gounder, sons of Kunnuthatha. The said Annamalai is the petitioner's father. One Arumugam is the son of Kariya Gounder.

3. During the life time of Arumugam and Annamalai Gounder, a joint patta was issued in favour of both Arumugam and Annamalai Gounder, in respect of the above property in patta No.695. Annamalai Gounder died on 08.06.1997. The petitioner would submit that Arumugam executed a settlement deed dated 13.06.2008, in favour of his son Malaisamy, in respect of his share in the property i.e., 0.36.5 Hectare out of total extent of 0.73.0 Hectares.

4. Thereafter, S.No.239/5 was subdivided into S.No.239/5A and S.No.239/5B and a separate patta issued in the name of Malaisamy in Patta No.1133 in respect of S.No.239/5B. With respect to the



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remaining extent, the revenue officials had wrongly issued patta in the name of Arumugam instead of Annamalai Gounder. Therefore, the petitioner had been approaching the 2nd respondent to cancel the patta standing in the name of Arumugam and issue patta in the name of Annamalai, in respect of S.No.239/5A.

5. Based on the request, an enquiry was conducted and the Deputy Tahsildar by proceedings dated 27.05.2019 had directed the Village Administrative Officer, to remove the name of Arumugam and issue patta in the name of Annamalai. Accordingly, patta was also issued.

6. After the death of his father on 08.06.1997, the petitioner had approached the respondents for transfer of patta. An online application had been made on 30.10.2024 with necessary charges. However, patta has not been granted and thus aggrieved the petitioner is before this Court.



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7. Heard the learned counsels on the either side and perused the records.

8. The petitioner's father had been allotted the patta and on his death the petitioner has inherited the property. He has applied for transfer of patta on 30.10.2024 and to date there has been no enquiry held by the respondents.

9. Though the petitioner has sought mandamus against all the respondents, it is the 2nd respondent who has to issue patta.

10. Therefore, a mandamus is issued to the 2nd respondent to transfer patta into the petitioner's name in respect of the property in S.No.239/5A, Patta No.1465, Athuvampadi, Polur Taluk, Tiruvannamalai District. The said exercise shall be completed within a period of 12 weeks, from the date of receipt of a copy of this order.



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11. The Writ petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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