



W.P.(MD).No.367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.367 of 2024

S.Arumugam

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai District.

3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the third respondent to dispose the sub division patta transfer Application vide No. 2023/0105/23/232010, dated 31.07.2023 and consequently directing the third respondent to issue patta in favour of the petitioner within the time frame stipulated by this Court.



W.P.(MD).No.367 of 2024

For Petitioner : Mr.A.B.Jeeva
For R1 to R3 : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, to direct the third respondent to dispose the sub division patta transfer Application vide No.2023/0105/23/232010, dated 31.07.2023 and consequently direct the third respondent to issue patta in favour of the petitioner .

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, his father viz., Sevugan Ambalam got the Government assigned punja land in Patta No.405, to an extent of 84 cents in S.No.158/6 situated at Oyyankondan Siruvayala, Karaikudi Taluk, Sivagangai District. After his demise, the above said property devolved upon the petitioner and his brother. While so, without the knowledge of the petitioner, his brother Veerapan fraudulently transferred the patta in his name and executed a sale deed in favour of



W.P.(MD).No.367 of 2024

one Vadivel. The said Vadivel executed a sale deed in favour of one Ghulam Mohammad on 13.06.2011. Further, the said Ghulam Mohammad executed a sale deed in favour of one A.Krishnan on 09.09.2011. Hence, the petitioner has filed a suit in O.S.No.148 of 2008 before the District Munsif Court, Karaikudi and the suit was decreed in favour of the petitioner on 08.07.2022. Thereafter, the petitioner has approached the third respondent and applied for sub division patta transfer vide Application No.2023/0105/23/232010, dated 31.07.2023. Since the said application has not been considered, the present writ petition has been filed.

4. The learned Special Government Pleader appearing for the respondents would submit that as per the revenue records, the property in S.No.158/6 is the Ryotwari Punja and it stands in the name of Vadivel.

5. On going through the documents, it is seen that the property stands in the name of the parties herein and hence, the petitioner herein is directed to produce all the relevant documents before the third respondent and the third respondent is directed to consider the same and pass appropriate orders, on the application submitted by the petitioner in



W.P.(MD).No.367 of 2024

Application vide No.2023/0105/23/232010, dated 31.07.2023, based on the judgment and decree passed by this Court in S.A.(MD).N0.535 of 2017, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

09.01.2024

akv

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai District.
3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.



WEB COPY



W.P.(MD).No.367 of 2024

V.BHAVANI SUBBAROYAN,J.

akv

W.P.(MD).No.367 of 2024

09.01.2024