



W.P.(MD).No.3496 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3496 of 2024

K.Eswari

... Petitioner

Vs

1. The District Collector,
District Collectorate Campus,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Taluk Office, Srivilliputhur - 626 125,
Srivilliputhur Taluk, Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's application, dated 02.07.2022, requesting for transfer of patta of the petitioner's name in respect of the property at Survey No. 421/2A5, Venkateswarapuram, Srivilliputhur Sub Registrar Circle, Virudhunagar Registration District, based on Document No. 4449/2022 on the file of the 3rd respondent.



WEB COPY



W.P.(MD).No.3496 of 2024

For Petitioner : Mr. Gnanasekaran. D

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus, directing the 3rd respondent to consider the petitioner's application, dated 02.07.2022, requesting for transfer of patta of the petitioner's name in respect of the property at Survey No. 421/2A5, Venkateswarapuram, Srivilliputhur Sub Registrar Circle, Virudhunagar Registration District, based on Document No. 4449/2022 on the file of the 3rd respondent.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



W.P.(MD).No.3496 of 2024

WEB COPY

4.(i).The petitioner's father purchased punja land, to an extent of 0.02.0 hectare situated at survey No.421/2A5, Venkateswarapuram, Srivilliputhur SR circle, Virudhunagar vide document, dated 21.06.1999 on the file of the third respondent. Subsequently, the petitioner's father settled the property in the name of petitioner vide settlement deed, dated 28.06.2022 on the file of the third respondent. Presently, the petitioner is in possession and enjoyment of the same.

(ii).In the meanwhile, fraudulent documents came to be executed by one Ramuthai vide document No.5050/2003 and 8939/2010 on the file of the third respondent. However, one among the two sale deeds bearing No. 5050/2023 was cancelled vide document No.9208/2010, dated 31.12.2010.

(iii).As to cancellation of the fraudulent document No.8939/2010, dated 16.12.2010, the petitioner's further submitted a petition before the District Registrar, Virudhunagar on 28.03.2002. Since no enquiry was conducted, the petitioner's father filed a writ petition in W.P(MD) No.22388 of 2022 before this Court and this Court vide order, dated 23.09.2022 directed the District Registrar to pass orders after conducting enquiry within a period of eight weeks. After enquiry, the District Registrar passed an order, dated 27.11.2022 and a rectification order, dated 27.12.2022 thereby, giving findings that the



W.P.(MD).No.3496 of 2024

document No.8939/2010, which was executed by the said Ramuthai, was a fraudulent document,. The said matters were not further pursued by the said Ramuthai by way of appeal. All the registration and cancellations of registrations were reflected in the S.Nos.1, 4, 25, 26 and 36 in the Encumbrance Certificate, dated 05.02.2024 for the period from 01.01.1999 to 31.01.2024. On 28.06.2022, the registration of Settlement Deed was done.

(iv).Thereafter, the petitioner submitted an application, dated 02.07.2022 to the third respondent along with necessary documents seeking for change of Patta in his name. Since the same was not considered, he made representations, dated 20.07.2022 to the first respondent and a petition, dated 02.08.2022 to the second respondent. However, the same were not considered. Two online applications for mutation of Patta, dated 09.03.2023 and 09.12.2023 were made by the petitioner and none of those applications/representations were considered, this writ petition came to be filed.

5.Considering the limited scope of the prayer sought for by the petitioner, this Court hereby direct the third respondent to consider the representations/online applications of the petitioner and pass appropriate



W.P.(MD).No.3496 of 2024

orders, in accordance with law, within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

16.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The District Collector,
District Collectorate Campus,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Taluk Office, Srivilliputhur - 626 125,
Srivilliputhur Taluk, Virudhunagar District.



WEB COPY



W.P.(MD).No.3496 of 2024

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.3496 of 2024

16.02.2024