



W.P.No.38640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 38640 of 2024

R.Kesavan

...Petitioner

Vs.

1.The District Collector
Office of the District Collector,
Kallakurichi District - 606 202.

2.The District Superintendent of Police
District Police Office,
Kallakurichi District - 606213

3.The Deputy Superintendent of Police
Camp Office,
Santhapettai,
Thirukoilur Sub Division,
Kallakurichi District - 605 766

4.The Tahsildar
Sankarapuram Taluk,
Kallakurichi District - 606401



W.P.No.38640 of 2024

5.The Inspector of Police
Sankarapuram Police Station,
Kallakurichi District - 606 401

6.Head surveyor
Sankarapuram Taluk,
Kallakurichi District - 606 401

7.The Village Administrative Officer
Thimmanandal Village,
Sankarapuram Taluk,
Kallakurichi District - 606 402

8.N.Murugesan

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to transfer the patta in favour of the petitioner pursuant to the demarcation of house site in survey no.19/1B with extent of 720 sq.ft situated at Thimmanandal Village, Sankarapuram Taluk, Kallakurichi District, within the Sub Registration District of Sankarapuram and Registration District of Kallakurichi based on the Decree and Judgement passed by the District Munsif Court, Sankarapuram in O.S.No.274 of 2012 dated 26.03.2024 and on the petitioner's patta name transfer application dated



W.P.No.38640 of 2024

21.10.2024 and land demarcation application dated 04.11.2024 and further directing the 5th respondent to provide necessary Police protection for Land Demarcation and carryout the construction works on the basis of the petitioners complaint dated 27.10.2024

For Petitioner	:	Mr. J.Agni Selvaraju
For Respondents	:	Mr. A.Selvendran
1, 4, 6 & 7		Special Government Pleader
For Respondents	:	Mr. R.Vinoth Raja
2, 3 & 5		Government Advocate (Crl. Side)

ORDER

The Writ Petition is filed for the following relief:

“To directing the 4th respondent to transfer the patta in favour of the petitioner pursuant to the demarcation of house site in survey no.19/1B with extent of 720 sq.ft situated at Thimmanandal Village, Sankarapuram Taluk, Kallakurichi District, within the Sub



Registration District of Sankarapuram and Registration District of Kallakurichi based on the Decree and Judgement passed by the District Munsif Court, Sankarapuram in O.S.No.274 of 2012 dated 26.03.2024 and on the petitioner's patta name transfer application dated 21.10.2024 and land demarcation application dated 04.11.2024 and further directing the 5th respondent to provide necessary Police protection for Land Demarcation and carryout the construction works on the basis of the petitioners complaint dated 27.10.2024”.

2. The petitioner would submit that he is an absolute owner of the subject property. In the year 2014, the petitioner decided to construct a house by demolishing the existing thatched hut. Since there is a dispute with respect to the property, the petitioner filed a suit in O.S.No.270 of 2014 on the file of the District Munsif, Sankarapuram, against the 8th respondent and others. The said suit has been decreed in favour of the petitioner, granting permanent injunction against the defendants in the



W.P.No.38640 of 2024

said suit.

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3. On the basis of the said Judgement and Decree, the petitioner sent a representation dated 27.10.2024, to the 4th respondent for transfer of patta in favour of the petitioner. On 28.10.2024, when the petitioner started construction the same was objected by the 8th respondent stating that he would prefer an appeal against the decree passed in the said suit.

4. On 04.11.2024, the petitioner submitted an application to the respondents for land demarcation of house sites and on 13.11.2024, the petitioner sent a representation to the 1st respondent to take action for transfer of patta in favour of the petitioner. However, the petitioner's requests have not been considered. Therefore, the petitioner is before this Court.

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



W.P.No.38640 of 2024

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6. Considering the facts and circumstances of the case, the 4th respondent is directed to consider the petitioner's representation and conduct survey of the subject property. The petitioner shall submit all the relevant records to show his title to the property and the 4th respondent shall, after issuing notice to the adjacent land owners, 8th respondent and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. If satisfied, the 4th respondent shall transfer patta in favour of the petitioner. In the case of a rejection, a speaking order shall be passed. The said exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order.

7. The Writ Petition is allowed. No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
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W.P.No.38640 of 2027

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W.P.No.38640 of 2024

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W.P.No. 38640 of 2024

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