

(2014) 11 MAD CK 0299

In the Madras High Court

Case No : Writ Petition (MD) No. 13408 of 2014

P. Kallanai

APPELLANT

Vs

The District Collector Collectorate Buildings

RESPONDENT

Date of Decision : 28-11-2014

Acts Referred:

Registration Act, 1908 — Section 83

Citation : (2014) 11 MAD CK 0299

Hon'ble Judges : M. Venugopal, J

Bench : Single Bench

Judgement

M. Venugopal, J.—Heard both sides.

2. To avoid an avoidable delay, notice to 3rd and 4th respondents is dispensed with.

3. According to the petitioner, the nanja lands in Re-Survey No. 21/9, having an extent of 1 Acre in Patta No. 514, in Thamaraipatti Sub Market, Madurai North Taluk, Ayan Arumbanoor Village, Madurai District was purchased by his wife Seerangayee Ammal on 15.07.1981 for a valuable sale consideration of Rs. 10,000/- an it was duly registered at Thamaraipatti Sub Registrar Office as document No. 4516 of 1981. The property was purchased from one Subramani, S/o.Ramaiah Pillai of Poosari Thoppu, Madurai. From the date of purchase, in the said lands, himself, his wife and his son had contributed their physical labour in cultivating paddy and other money crops. From the date of purchase, they are in peaceful possession and enjoyment of the said nanja lands.

4. The petitioner's wife's previous vendor Subramani had obtained the said land by way of settlement deed, which was registered at Thamaraipatti Sub Registrar's Office on 31.01.1968.

5. When that be the factual situation, he received a notice under Section 83 of the Indian Registration Act from the District Registration Office, Combined Registration Office Complex, TNAU Nagar, Rajakambeeram, Y.Othakadai, Madurai

in Na.Ka.No. 2885/A1/2013, dated 08.11.2013 to appear before the District Registrar for an enquiry on 23.12.2013 together with relevant documents. On the date of enquiry, he appeared and produced the original title deed dated 15.07.1981 together with other records.

6. The petitioner came to know that the 3rd and 4th respondents' mother executed a Gift Settlement Deed in favour of his son namely 3rd and 4th respondents herein, dated 04.08.2011. As per the gift settlement deed, a legal action is sought to be taken against him and his son. In reality, he is in possession and enjoyment over the nanja land. After the registration of the registered sale deed dated 15.07.1981, the Sub Registrar, Tamaraipatti should send the transfer patta form to the concerned Tahsildhar to change the patta from erstwhile owner to the purchaser. But the revenue authority had also issued kist tax in favour of his wife. The erstwhile owner Subramani and his mother had also enjoyed the same. The said Subramani's mother purchased the above said nanja land from one Nallamuthal on 10.05.1962. From 10.05.1962 till 11.09.1981, the said Subramani and his mother got valid title from the year 1962 and sold the same to his wife for valuable sale consideration. Moreover, after five decades, 3rd and 4th respondents came forward with false and untenable allegations before the District Registrar, Madurai. After the enquiry, the District Registrar found that the claim of 3rd and 4th respondents is false one.

7. Even though the petitioner's wife has title by means of sale deed dated 15.07.1981, he approached the revenue authority for issuance of patta and since there was no proper reply from their side, he sent a representation on 13.03.2014 to the second respondent. Also, he made another representation to the second respondent on 08.07.2014. Till date, no action has been taken by the second respondent to issue patta in his favour. The second respondent is the competent statutory authority to issue patta in his favour, after considering his representation and other records. Since he has failed in his duty, the petitioner has filed the present writ petition.

8. In view of the fact that the petitioner has filed the present writ petition praying for passing of an order by this Court in directing the second respondent to issue patta in his favour, based on his representation dated 08.07.2014 for the nanja land in question, this Court, without going into the merits of the matter and also not expressing any opinion on the contents of the representation made by the petitioner, in the interest of Justice, Fair Play, Equity, Good Conscience and even as a matter of Prudence, directs the second respondent, Tahsildhar, Madurai East Taluk, Y.Othakadai, Madurai to look into the said representation of the petitioner, dated 08.07.2014 and dispose of the same by passing a reasoned, speaking order on merits and that too in a dispassionate manner, within a period of six weeks from the date of receipt of a copy of this order. (Of-course, after providing due opportunity to the petitioner and others concerned by adhering to the principles of natural justice).

9. Since this Court has dispensed with the issuance of notice to the 3rd and 4th

respondents, this Court has not made any observations against them.

10. With the aforesaid observations and directions, this Writ Petition stands disposed of. No costs.