

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR. JUSTICE M.VENUGOPAL

W.P.No.8020 of 2014

N.PICHAIAMMAL

[PETITIONER]

Vs

- 1 THE COMMISSIONER
URBAN LAND CEILING AND URBAN LAND TAX OFFICE
CHEPAUK CHENNAI-5.
- 2 THE THASILDAR
SHOLINGANALLUR TALUK SHOLINGANALLUR
KANCHEEPURAM DISTRICT.
- 3 THE REVENUE INSPECTOR
SHOLINGANALLUR TALUK PALLIKARANAI
KANCHEEPURAM DISTRICT.

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the second respondent to dispose the petitioner representation cum application dated 8.8.2013.

For Petitioner :D.Senthilkumar

For Respondents :Mr.S.V.Durai Solaimalai, AGP

O R D E R

Heard both sides.

2. The petitioner has filed the above writ petition praying for a direction to the 2nd respondent to dispose of her representation cum application dated 8.8.2013.

3. According to the petitioner, the vacant land bearing Plot Nos.15 and 16, situate in No.149, Pallikaranai Village (presently Sholingnallur Taluk), (previously Tambaram Taluk), Kancheepuram

District, measuring an extent of 6018 sq.ft. along with larger extent of 50 cents, comprised in Survey No.9 (sub divided as 9/1A1A) of Pallikaranai Village, was originally owned and possessed by one Govindammal, she having purchased the same from one Munusamy, through a registered sale deed dated 18.02.1942.

4. The said Govindammal was in absolute possession and enjoyment of the property in question ever since from the date of purchase. As a matter of fact, she died leaving behind her children (1) Srinivasan and (2) S.Bakthavachalam to inherit her estate absolutely. The said Srinivasan and Bakthavachalam had partitioned numerous properties including Survey No.9 between themselves by means of registered partition deed dated 09.10.1972. Indeed, the said Srinivasan died leaving behind his wife Saroja Ammal, his sons Thiagarajan, Raju, Parthiban and Mani to inherit his estate absolutely. The said Saroja Ammal and her children appointed one C.Sanmugam as their lawful Power Agent, empowering him to deal with plot Nos.15, 16 and 17 absolutely with absolute power of alienation, in and by a deed of power of attorney dated 18.07.1983, registered as Document No.340 of 1983 on the file of the Joint II Sub Registrar Office, Saidapet.

5. It comes to be known that Saroja Ammal and her children through Power Agent Sanmugam sold and conveyed the said plot Nos.15 and 16 measuring an extent of 6018 sq.ft. to and in favour of the petitioner by means of a registered sale deed dated 04.04.1984. From the date of purchase, she is in absolute possession and enjoyment of the said plots without interruption. On 30.04.1994, the Zonal DeputyTahsildar, Tambaram issued patta in her favour bearing patta No.3947, comprised in Survey No.9/7, measuring an extent of 5.5 Are. She had paid the land tax to her plots.

6. The plea of the petitioner is that in the year 2000, she was informed by the Village Administrative Officer of Pallikaranai Village that her plots were taken by the 1st respondent and hence patta issued in her favour was cancelled. Immediately, she made a representation to the 1st respondent Office and during the month of November 2000, the Additional Superintendent of ULC and ULT inspected her plots and opined that 240 sq.meter did not come under ULC Act, but, an extent of 198 sq. meters comes under the ULC Act and the same can be regularised in terms of Government order. Hence, she made a representation to the 1st respondent to regularise the same and the same is pending for consideration.

7. The grievance of the petitioner appears to be that she made an application on 08.08.2013 to the 2nd respondent in person and requested him to issue patta and on 07.10.2013, the 2nd respondent made an endorsement on her application and forwarded the same to the 3rd respondent for obtaining his detailed report. Till date, it appears that the representation dated 08.08.2013 is not yet disposed

off by the 2nd respondent. Therefore, the petitioner has filed the present writ petition.

8. At this stage, the Learned counsel for the petitioner brings to the notice of this Court that the office of the 2nd respondent/Tahsildar, Sholinganallur Taluk, had issued summons dated 05.05.2014 to the petitioner to require her to appear on 12.05.2014 at about 03.00 p.m. in the Tahsildar's office in connection with further proceedings to be taken pursuant to the filing of W.P.No.8020 of 2014 before this Court.

9. The Learned counsel for the petitioner informs this Court that the petitioner had appeared on 12.05.2014 at 03.00 p.m. in the office of the 2nd respondent as per the summons issued and that the petitioner had handed over all the relevant documents in her possession. Even then, no suitable orders were passed in favour of the petitioner on her representation dated 08.08.2013.

10. This Court, on a careful consideration of the facts and circumstances of the present case, in conspectus fashion comes to irresistible and inevitable conclusion that the petitioner's representation dated 08.08.2013 had not met with any positive result so far. As such, this Court is left with no option, but, to issue a positive direction to the 2nd respondent/Tahsildar to look into the representation of the petitioner dated 08.08.2013, with all seriousness and earnestness and to dispose of the said representation by passing a speaking and reasoned order on merits, within a period of four weeks from the date of receipt of a copy of this order (ofcourse after adhering to the principles of Natural Justice).

With the above observations and directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 THE COMMISSIONER
URBAN LAND CEILING AND URBAN LAND TAX OFFICE
CHEPAUK CHENNAI-5.

2 THE THASILDAR
SHOLINGANALLUR TALUK SHOLINGANALLUR
KANCHEEPURAM DISTRICT.

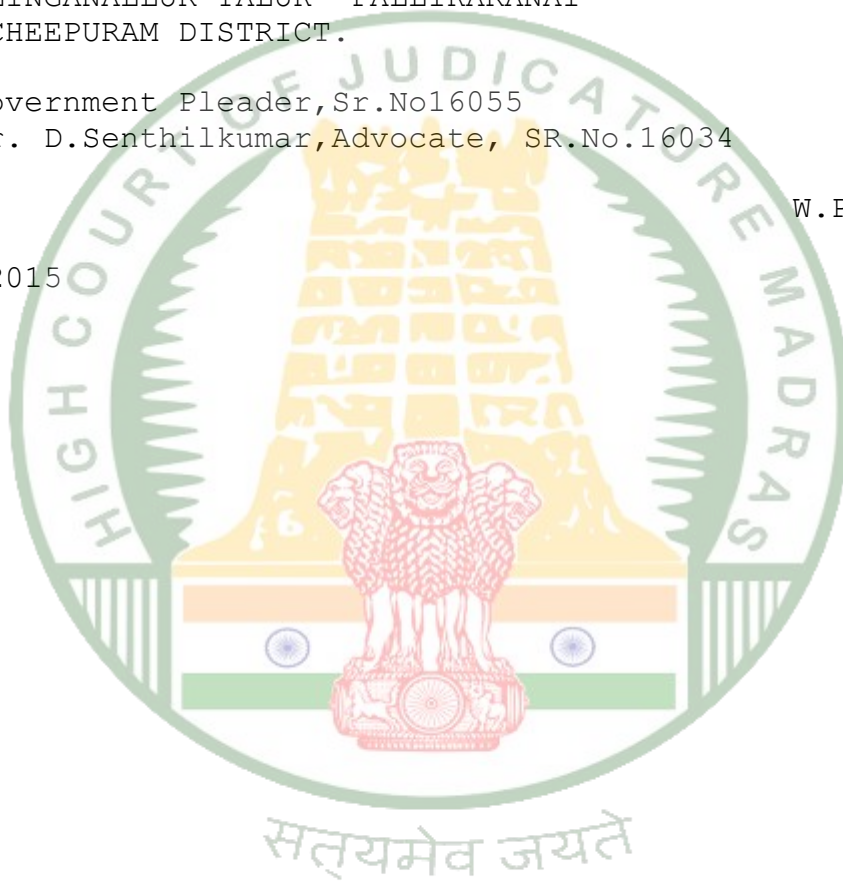
3 THE REVENUE INSPECTOR
SHOLINGANALLUR TALUK PALLIKARANAI
KANCHEEPURAM DISTRICT.

1 cc to Government Pleader, Sr.No16055

2 cc to Mr. D.Senthilkumar, Advocate, SR.No.16034

W.P.No.8020 of 2014

mp(co)
pmk.31.3.2015



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