

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.7352 of 2014

G.Dharmalingam

.. Petitioner

Vs.

The Tahsildar,
Thiru Kazhu Kundram Taluk,
Thiru Kazhu Kundram,
Kancheepuram.

.. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondent herein to assign patta in the name of the petitioner to an extent of 1.10 acres being the remaining extent of land sold to the late Elumalai S/o.Chinna Kulandai and out of the total extent of 1.47 acres of land in Survey No.127/10 situated at village No.217, Ammanambakkam village, Thiru Kazhu Kundram Taluk, Kancheepuram District.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.R.Vijayakumar AGP

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.A.R.Suresh, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent.

3.The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondent to grant separate patta in the name of the petitioner to an extent of 1.10 acres being the remaining extent of land sold to the late Elumalai, S/o.Chinna Kulandai and out of the total extent of 1.47 acres of land in Survey No.127/10 situated at village No.217, Ammanambakkam village, Thiru Kazhu Kundram Taluk, Kancheepuram District.

4. According to the petitioner, he has sold only a portion of the property to one Chinna Kulandai by registered sale deed dated

17.08.1978, registered as document No.1633 of 1978, and is said to have retained an extent of 1.10 acres. Those such averments has been made, the petitioner has not impleaded Mr.Chinna Kulandai. Further, it is stated that Chinna Kulandai has executed a settlement deed in favour of Elumalai vide settlement deed registered as document No.2150 of 1989, for the entire extent of 1.47 acres instead of 0.37.

5. This issue also cannot be adjudicated in this Writ petition, since Chinna Kulandai or his son Elumalai have not been impleaded. However, if a representation is pending, the petitioner is permitted to pursue his representation by appearing in person before the respondent along with copy of this order and the respondent shall issue notice to all the parties concerned and take appropriate action and pass orders on merits and in accordance with law.

According, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn
To

The Tahsildar,
Thiru Kazhu Kundram Taluk,
Thiru Kazhu Kundram,
Kancheepuram.

1 cc to Mr.A.R.Suresh ,Advocate, SR.No.5866

सत्यमेव जयते

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rsk(Co)
pmk.28.2.2015

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