

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.1007 of 2015 and
M.P.No.1 of 2015

K.C.Deepak Kumar @ K.C.Sridharan

...Petitioner

Versus

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.

....Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents to consider the representation of the petitioner dated 30.5.2014 to Survey the land bearing Survey No.752/28B Patta No.776 Village Site No.587/2 Patta Plot No. 28-B House Site measuring about 0.0037 Acre situated at No.69 Kattunaickanapalli Krishnagiri Taluk, Krishnagiri District.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard Mr.K.Nagarajan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and with their consent, the writ petition is taken for disposal at the admission stage.

2. The petitioner seeks for a direction upon the respondents to consider the representation dated 30.05.2014 for grant of patta. In the affidavit filed in support of the writ petition, the petitioner has stated that one Munusamy, had filed a suit in O.S.No.3 of 1991 for declaration of title and permanent injunction and the said suit was partly decreed in favour of the said Munusamy in respect of house site No.26, Village Site No.587, Plot No.3. But the petitioner is the owner of the House Site Plot No.28B and the petitioner has not encroached Plot No.26. Further, it is stated that the said Munusamy filed an appeal in A.S.No.12 of 1998 and the

petitioner has also filed an appeal in A.S.No.12 of 1998. The appeal filed by the said Munusamy was disposed of and the appeal filed by the petitioner was dismissed. With these facts, the petitioner has filed a representation before the authority and seeks for separate patta.

3. The said Munusamy, who is the plaintiff in the suit in O.S.No.3 of 1991 has not been impleaded as a party in this writ petition. Therefore, without hearing the said Munusamy, the merits of the allegation made by the petitioner cannot be considered. However, an application dated 30.05.2014 is pending before the respondents.

4. In the light of the above, without going into the merits of the contentions raised by the petitioner, there will be a direction to the second respondent to consider the petitioner's representation dated 30.05.2014 after issuing notice to the petitioner and the said Munusamy and all other persons, who are likely to be aggrieved by the consideration of the petitioner's representation and thereafter, the second respondent shall pass a reasoned order on merits and in accordance with law as expeditiously as possible.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.

+1cc to Mr.K.Nagarajan, Advocate Sr 2838

+1cc to Govt. Advocate Sr 2510

BR(CO)
km/27.1.

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and
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