

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.4869 of 2014
and M.P.No.1 of 2014

R.Ramakrishnan

... Petitioner

Vs.

1. Tahsildar,
Coonoor Taluk,
The Nilgiris District,

2. Sankar

... Respondents

Respondent No.2 is impleaded as a party
as per order dated 23.2.2015 made in
M.P.No.1 of 2015.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records in Ko.Mu.Pa.22014/2009 dated 18.05.2010 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to dispose of petitioner's representation dated 21.12.2012 in accordance with Section 10(3) of Tamil Nadu Patta Pass Book Act, 1986.

For Petitioner : Mr.A.Immanuel

For Respondents: Mr.A.Kumar, Spl.G.P for R.1
No Appearance for R.2

ORDER

It is the case of the petitioner that the petitioner's grandfather - Selambanaseri purchased 3 acres of land in Old S.No.37/1A in Coonoor village under document No.1329/30 dated 24.11.1930. After his death, the petitioner's grandmother - Parvathiammal was in possession and enjoyment of the said property. The said Parvathiammal settled 1 acre of land out of 3 acres in S.No.37/1A in favour of the petitioner's mother - Thulasiammal vide settlement deed No.1331/1961 dated 14.11.1961 and the petitioner's mother cultivated coffee in the said land. After her death, the petitioner and 8 others, being her legal heirs are in possession and enjoyment of 1 acre of land in old S.No.37/1A, new S.No.491/19 in Coonoor rural village in Coonoor Taluk. The petitioner's application

dated 30.12.2009 for inclusion of the name of petitioner and other legal heirs as joint patta holders in respect of the said land was rejected by the 1st respondent by the impugned order dated 18.5.2010 on the ground that enquiry shows that one Sankar is in possession. Challenging the same, the present writ petition is filed.

2. Learned counsel appearing for the petitioner submitted that petitioner got tittle in respect of the above said land and if Sankar, who is impleaded as the 2nd respondent, is said to be in possession, though disputed by the petitioner, then the 1st respondent ought to have issued notice to the 2nd respondent before passing the impugned order.

3. Taking into consideration of the fact that the impugned order has not been passed on merit, the same is set aside and the 1st respondent is directed to pass appropriate final orders after affording an opportunity of hearing to the petitioner as well as the 2nd respondent and also the third parties, if any, within a period of eight weeks from the date of receipt of copy of this order.

4. The writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Tahsildar,
Coonoor Taluk,
The Nilgiris District.

+1cc to Mr.A. Immanuel, Advocate, S.R.No.48838

+1cc to the Government Pleader, S.R.No.48618

TM(CO)

EU(28/09/2015)

W.P.No.4869 of 2014