

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10511 of 2015

1. S.Kalainesan
2. S.Punniyakodi

... Petitioners

Versus

1.The Revenue Divisional Officer,
Tambaram Taluk Office, 2nd Floor,
Tambaram, Kancheepuram District.

2.The Tahsildar,
Tambaram Taluk office,
Tambaram, Kancheepuram District.

3.The Village Administrative Officer,
Perungalathur Village,
Tambaram Taluk,
Kancheepuram District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing respondents 1 and 2 to grant Patta to the petitioners for the lands in Survey No.404/1 and 2 and 405/2 in Perungalathur Village for 5.65 Acres under the Tamil Nadu Patta Pass-Book Act, 1986 and to remove the name of the third party Meera Thamizh Azhagan, whose name has been wrongly entered in the Adangal for the lands for Fasili 1414 & 1415.

For Petitioner : Mr.M.Kalyanasundaram, Sr. Counsel
for Mr.R.Vasudevan

For Respondents : Mr.Rm.Muthukumar
Government Advocate

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioners claim that their father viz., Subramani was employed as driver in the services of Indian Army and after his retirement, in pursuance to the recommendations of the concerned

authority dated 12.08.1967, he was assigned an extent of 3 acres of dry lands by Tahsildar, Saidapet, vide proceedings dated 13.09.1970 and the land in S.No.404/1 in Perungalathur Village was assigned. It is the claim of the petitioners that they obtained Adangal entires, wherein wrong entries have been made in the name of one Meera Tamilzhagan, after the demise of their father, 1st petitioner herein applied for patta to the jurisdictional Tahsildar and though, it was received on 27.09.2010, no orders have been passed and hence, he approached the jurisdictional District Revenue Officer on 02.04.2012 and a direction was given to the Tahsildar to pass appropriate orders and inspite of it, no orders came to be passed. Therefore, vide legal notice dated 14.11.2014, the petitioners have called upon the respondents to grant patta in their name, which was in respect of the lands, which were assigned to their father under the assignment order dated 13.09.1970. Since, the respondents did not take any action, came forward to file this writ petition.

3. Heard the submissions of Mr.M.Kalyanasundaram, learned Senior Counsel appearing for the petitioners and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondents.

4. Though, the petitioner has sought for a larger relief, this Court in the facts and circumstances of the case, is of the view that it would suffice to direct the 1st respondent to dispose of the representation in the form of the legal notice dated 14.11.2014, within a stipulated time.

5. In the result, this Court, without going into the merits, directs the Revenue Divisional Officer, Tambaram, the 1st respondent, to consider and dispose of the representation in the form of the legal notice dated 14.11.2014, after putting the concerned parties on notice and pass orders, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and it is also open to the petitioners to submit a fresh representation by enclosing a copy of the earlier representation to the 1st respondent, along with the orders passed in this writ petition. The 1st respondent also shall take into consideration the said representation and pass orders as stated above.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

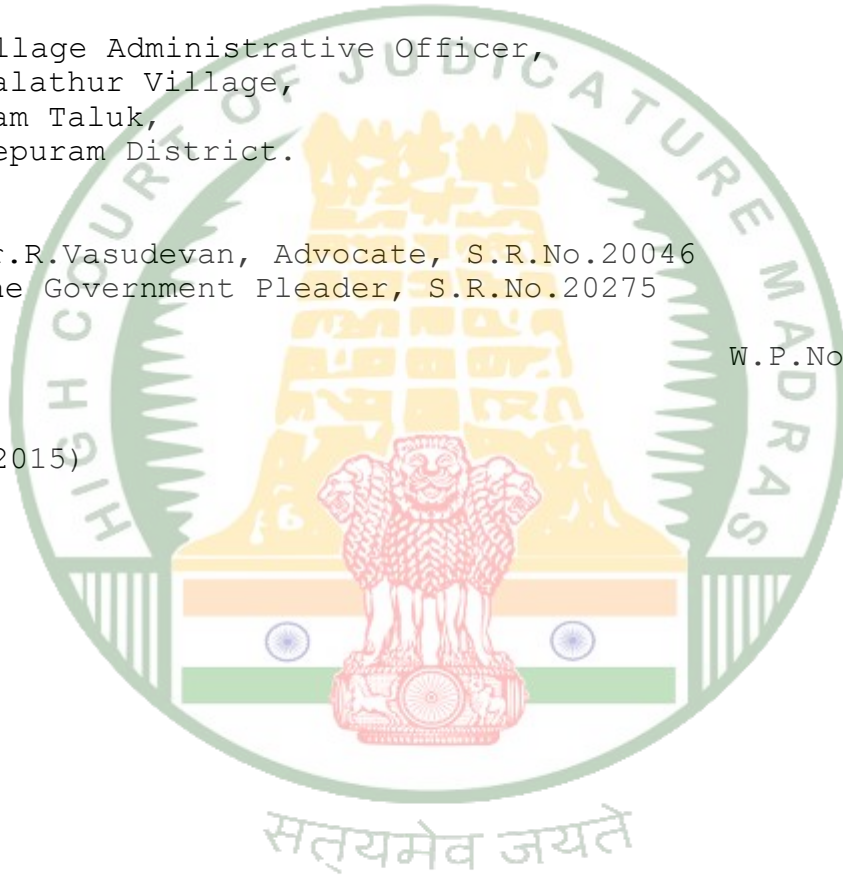
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Kancheepuram District.

+1cc to Mr.R.Vasudevan, Advocate, S.R.No.20046

+1cc to the Government Pleader, S.R.No.20275

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BR(CO)
CA(21/04/2015)



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