

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20418 of 2015

V.Arumugam

... Petitioner

- Vs -

1. The District Collector,
Thiruvallur District,
at Thiruvallur.
2. The Tahsildar,
Thiruvallur Taluk and District.
3. Rajeshwari

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 01.06.2015 and thereby direct the respondents 1 and 2 to cancel the Patta No.490 stands in the name of the 3rd respondent in respect of the property situated at Survey No.166/2, Perathur Village, Thiruvallur Taluk and District to an extent of 1 acre 24 cents and issue patta in the name of the petitioner.

Petitioner : Mr.M.V.Muralidharan

For Respondents 1 & 2 : Mr.RAS. Senthilvel
Additional Government Pleader

सत्यमेव जयते
O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner would state that the property in survey No.253/4 to an extent of 2 acres 60 cents was allotted to my first elder brother Thiru.Kannappa Mudaliar and the property in Survey No.169 to an extent of 1 acre 23 cents was allotted in favour of his second elder brother and he was allotted property in Survey No.166/2

measuring an extent of 1 acre 24 cents in Ayalur Village Natham Survey No.164 Thiruvallur Taluk and District by way of oral partition. After the partition, respective persons were in possession and enjoyment of the share allotted to them. The petitioner would further state that during the year 1979 one Mr.Sampantha Mudaliar agreed to purchase the share of the petitioner's property situated in Survey No.166/2 to an extent of 1 acre 24 cents and also paid the advance but the possession and enjoyment of the property was with the petitioner. After the sudden demise of Mr.Sampantha Mudaliar, his wife sent a legal notice for specific performance of the agreement of sale made. The petitioner sent a representation to the second respondent for transfer of patta in respect of his share, but he came to know that the third respondent has obtained patta in respect of the said land by subdividing the property in Survey No.166/2 as Survey Nos.166/2B and 166/3A and got patta in Patta No.490. The petitioner in this regard submitted a representation dated 01.06.2015 to the respondents 1 and 2 and prayed for cancellation of the patta issued in the name of the third respondent. Since no order is forthcoming, he has come forward to file this writ petition.

3. Heard the submissions of Mr.M.V.Muralidaran, learned counsel appearing for the petitioner and Mr.RAS.Senthilvel, learned Additional Government Pleader accepts notice for the respondents 1 and 2.

4. This Court in the light of the above facts and circumstances permit the petitioner to submit one more representation to the jurisdiction Revenue Divisional Officer by enclosing a copy of this order as well as the earlier representation dated 01.06.2015 within one week from the date of receipt of a copy of this order and then the jurisdiction Revenue Divisional Officer on receipt of the same is directed to consider the same in accordance with law after putting on notice the third respondent and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner as well as the third respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kk

To

1. The District Collector,
Thiruvallur District,
at Thiruvallur.
2. The Tahsildar,
Thiruvallur Taluk and District.
3. The Revenue Divisional Officer,
Thiruvallur, Thiruvallur District.

+1cc to Mr.M.V.Muralidaran, Advocate, S.R.No.34930
+1cc to the Government Pleader, S.R.No.35025

W.P.No.20418 of 2015

BR(CO)
CA(28/07/2015)



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