

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WP.No.22279/2015

E.Gonvidasamy

.. Petitioner

Versus

1.The District Collector
Kancheepuram District.

2.The Tahsildar
Chenglepet.

3.M.Natarajan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 23.03.2015 for issue of separate patta in favour of petitioner with equal extent of 0.38 cents comprised in Punja S.No.116/5 in Patta No.54 of Veerapuram village, within the Registration and Sub Registration District of Chenglepet, now within the registration District of Kancheepuram as per the partition deed dated 14.02.1981 which was registered on 16.02.1981 as Document No.263 of 1981 in the office of the SRO, Chenglepet, in which the subject matter of property stands as item No.18 in the schedule mentioned property in accordance with law as per the partition deed within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Franklin

For R1 & R2 : Mrs.P.Rajalakshmi, GA

ORDER

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

2.The petitioner along with the 3rd respondent claims to have jointly purchased a property admeasuring to an extent of 0.76 cents comprised in Punja S.No.116/5 in Patta No.54 of Veerapuram village, through a Sale Deed

registered as Document No.1051/1975 dated 22.09.1975 registered on the file of the office of the Sub Registrar, Chenglepet. Sometime thereafter, the petitioner and the 3rd respondent have decided to partition the said property and it was also reduced in writing in the form of a Partition Deed dated 14.02.1981 which was also registered as Document No.263/1981 dated 16.02.1981 on the file of the very same Sub Registrar. The petitioner through the said Partition Deed, got Schedule No.18 in his favour and he submitted an application to the 2nd respondent for issuance of a separate patta in respect of the said property and the 2nd respondent has issued separate patta to the petitioner as well as to his cousin brother. But, unfortunately, in the patta, a wrong extent of land / property has been mentioned. The petitioner, in this regard, has submitted a representation dated 23.03.2015 to the 1st respondent to verify all the documents and rectify the mistake. It was also followed by a reminder dated 17.04.2015.

3.The office of the 1st respondent also sent a Memo dated 14.05.2015 to the 2nd respondent to take steps on the petitioner's reminder dated 17.04.2015 and inform the decision taken. In spite of it, no progress took place. Therefore, the petitioner came forward to file this writ petition.

4.Heard the learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

5.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 23.03.2015 and the reminder dated 17.04.2015 in accordance with law after putting on notice the 3rd respondent and pass orders within period of four weeks thereafter and communicate the decision to the petitioner as well as to the 3rd respondent.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The District Collector
Kancheepuram District.

2.The Tahsildar
Chenglepet.

+1cc to Mr.J. Franklin, Counsel for the Petitioner
SR No.37890/15

+1cc to Government Pleader SR No. 38050/15

WP.No.22279/2015

VGI
RS 07/08/2015



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