

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2431/2015 & MP.No.1/2015

G.Dhanasekar

..Petitioner

Versus

1.The Tahsildar
Maduravoyal Taluk Office
Maduravoyal.

2.M.Nagaraj

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the 1st respondent from issuing patta to the land measuring an extent of 22 ½ cents, comprised in survey No.90/4 [90/4A1] of Ayanambakkam village, Ambattur Taluk, Thiruvallur District to the 2nd respondent or any other 3rd party without considering the petitioner's representation dated 15.10.2013 and 24.01.2015.

For Petitioner : Mr.D.Senthil Kumaar
For RR 1 to 4 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.D.Senthil Kumaar, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage without notice to the 2nd respondent, the merits of the allegations made by the petitioner as against the 2nd respondent are not gone into and it is left open to the 1st respondent to take note of the same.

3.The petitioner seeks for issuance of a writ of mandamus to forbear the 1st respondent from issuing patta to the land measuring an extent of 22 ½ cents, comprised in survey No.90/4 [90/4A1] of Ayanambakkam village, Ambattur Taluk, Thiruvallur District to the 2nd respondent or any other 3rd party without considering the petitioner's representation dated 15.10.2013 and 24.01.2015.

4.The apprehension of the petitioner is that the 1st respondent would grant patta to 2nd respondent. In this regard, several representations have been made by the petitioner to the 1st respondent, viz., on 15.10.2013 and 24.01.2015 and the same are pending consideration by the 1st respondent. Further, the petitioner would rely upon the reply dated 29.01.2014 received under the Right to Information Act, that till the said date, there is no sub-division of the property in S.No.90/4C.

5.In my view, the relief sought for by the petitioner cannot be granted. However, it is made clear that in the event when an application is filed by the 2nd respondent or by any other person, the 1st respondent has to definitely take note of the petitioner's objection, issue notice to the parties concerned and thereafter, pass appropriate orders on merits and in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To
The Tahsildar
Maduravoyal Taluk Office
Maduravoyal.

+ 2 ccs to Mr.D. Senthilkumar, Advocate Sr.5514
+ 1 cc to Government Pleader Sr.5549

सत्यमेव जयते

WP.No.2431/2015

GJ(CO)
Eu 19.02.15

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