

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.26895 of 2014 &
M.P.No. 1 of 2014

M.Raghavan

.. Petitioner

Vs.

1.The Revenue Divisional Officer
Madurantagam Taluka
Madurantagam, Kancheepuram.

2.The Tahsildar
Madurantagam Taluka
Kancheepuram District.

3.Ekambaram .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to issue patta to the petitioner's land in Survey No.139/37, measuring about Ac.0.32 cents of Nanjai lands situated in Kolathur Village, Madurantagam Taluka, Kancheepuram District on the basis of the representation of the petitioner dated 6.6.2014, within a time frame.

For Petitioner : Mr.K.A.Mariappan

For Respondents : Mr.S.Gunasekaran -R1 & R2
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.K.A.Mariappan, learned Counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 & 2. Though notice has been issued to the third respondent, the notice was refused to be received and returned and necessary endorsement is there in the cause list.

3.The petitioner seeks for issuance of writ of mandamus to direct the respondents to issue patta to his land in Survey

No.139/37, measuring about Ac.0.32 cents of Nanjai lands situated in Kolathur Village, Madurantagam Taluka, Kancheepuram District on the basis of his representation dated 6.6.2014.

4.It is submitted that a joint assignment patta dated 30.09.1979 has been issued in favour of the petitioner and the third respondent in respect of the land in question. Subsequently, an attempt was made by the third respondent to acquire the entire property and when that was sought to be resisted by the petitioner, the third respondent has filed a Suit in O.S.No.3 of 1999, on the file of the District Munsif Court, Madurantagam, seeking for permanent injunction, which has been dismissed by the trial Court, by Judgment dated 19.01.2007. It is submitted that the third respondent thereafter, has not filed any appeal as against the said Judgment. With these facts, the petitioner has prayed for grant of individual patta by measuring the property. In this regard, the petitioner has also filed a representation dated 06.06.2014, before the authorities and the same is pending.

5.In the light of the above, the first respondent is directed to consider the representation submitted by the petitioner dated 06.06.2014, and after issuing notice to the petitioner and the third respondent, the first respondent shall pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar
Dated:25.2.15

True Copy

Sub Assistant Registrar

To

1.The Revenue Divisional Officer
Madurantagam Taluka
Madurantagam, Kancheepuram.

2.The Tahsildar
Madurantagam Taluka
Kancheepuram District.

+1 cc to Mr.K.A.Mariappan, Advocate,SR.8663.

su(co)
krd 5/3

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