

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2828/2015

M.Gunasudari

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Petitioner

Versus

1.The Commissioner of Land Administration
Land Administration Department
III Floor, Ezhilagam, Chepauk,
Chennai.

2.The District Collector of Kancheepuram
Collector Office, Kancheepuram,
Kancheepuram District.

3.The Revenue Divisional Officer
Revenue Divisional Office
Chengalpattu, Kancheepuram District.

4.The Tahsildar
Thirupporur, Thirupporur Taluk
Kancheepuram District.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 03.02.2014 and also to direct the respondents to issue joint patta in the name of the petitioner and Mrs.Amutha.

For Petitioner : M/s.S.Suseela Devi

For Respondents: Mr.V.Jayaprakash Narayanan, Spl.GP

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ORDER

Heard M/s.S.Suseela Devi, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct 1st respondent to consider the representation of the petitioner dated 03.02.2014 and also to direct the respondents to issue joint patta in the name of the petitioner and Mrs.Amutha.

3.When the petitioner approach the 4th respondent for grant of patta, the 4th respondent by proceedings dated 30.01.2014 referred to a writ petition filed by one Sabarinathan, in WP.No.23234/2013, wherein a direction has been issued to consider his claim and therefore, the petitioner was directed to approach this Court for necessary relief. If there are rival claimants for grant of patta, then the proper procedure to be adopted by the 4th respondent is to issue notice to all the persons, hear the parties and thereafter, pass a reasoned order on merits and in accordance with law. Therefore, the 4th respondent ought not to have directed the petitioner to independently approach this Court and get appropriate direction.

4.Be that as it may, since already Sabarainathan has approached the 4th respondent for grant of patta in respect of the same property, the 4th respondent is directed to consider the petitioner's representation dated 03.02.2014 as well as the representation of Sabarinathan and after issuing notice to the petitioner, Sabarinathan and Mrs.Amutha and to any other persons who are likely to be aggrieved and pass orders on merits and in accordance with law as expeditiously as possible.

5.The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner of Land Administration
Land Administration Department
III Floor, Ezhilagam, Chepauk,
Chennai.

2.The District Collector of Kancheepuram
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4.The Tahsildar
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Kancheepuram District.

1 cc to Mr.M/s.S.Suseela Devi ,Advocate, SR.No.6064

1 cc to Government Pleader,Sr.No6386

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nm(co)
pmk.11.2.2015



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