

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. No. 38462 of 2015

1. Thulasi
2. Navaneetham
3. M.M.Sakthivel,
4. M.Saravanan
5. R.Parathy
...Petitioners

Vs.

1. The District Collector,
Chennai District, Chennai 600001.
2. The Tahsildar,
Mambalam Taluk, K.K.Nagar, Chennai 600078.
3. The Executive Engineer,
Chennai Corporation,
Zone - 10, Kodambakkam Chennai.
...Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st respondent to cancel the mutation of Revenue records in respect of the property comprised in S.No. 246, Re.S.No. 246/2 having Block No. 84 and T.S.No. 104 mentioned as Sarcar poramboke and common pathway and issue patta in favour of the petitioners based on the representation dated 10.07.2015 of the petitioners.

For Petitioner : Mr.A.Nagarathinam,

For Respondents : Mr.Sanjay Gandhi,
Addl. Government Pleader

ORDER

From the records, it is seen that the 3rd petitioner made a representation initially on 10.07.2015 to the respondent No. 1 marking a copy to the respondent No. 2, seeking to challenge the entry from General Pathway by issuing in patta in favour of the petitioners. The said request has already been made by the petitioners, based upon a decree obtained from the Civil Court.

2. Though the receipt of the said representation dated 10.07.2015 was acknowledged by the respondents, there was on response. Thereafter, a legal notice was issued on behalf of the petitioners under the Right to Information Act. In pursuance to the said legal notice, the respondent No. 2 did furnish information in R.T.I. No. 08747 of 2015, dated 04.09.2015. Since, the earlier representation made by the petitioners with respect to the change of entry from General Pathway to the issuance of the Pathway in the name of the petitioners with respect to the property situated in S.No. 246, Re.S.No. 246/2 was not considered a subsequent representation was made on 13.10.2015. Despite the same, as no action is forthcoming on the part of the respondent No. 2, the petitioners have come forward to file the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

4. Considering the above facts and taking into consideration the pendency of the representation dated 13.10.2015 filed by the petitioners before the 2nd respondent, a direction is issued to the 2nd respondent to consider and pass appropriate orders on the petitioners representations dated 10.07.2015 and 13.10.2015, by which, request has been made to change the entry from Government land (General Pathway) into a patta in favour of the petitioners, within a period of eight weeks from the date of receipt of the copy of this order after affording on opportunity of being heard.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rms

To

1. The District Collector,
Chennai District, Chennai 600001.
 2. The Tahsildar,
Mambalam Taluk, K.K.Nagar, Chennai 600078.
 3. The Executive Engineer,
Chennai Corporation,
Zone - 10, Kodambakkam Chennai.
- +1 cc to Government Pleader, sr.65576

mg co, kra 11.12.2015

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