

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33248 of 2013

Issac

.. Petitioner

Versus

1. The District Collector,
Collectorate,
Tiruppur.

2. The Tahsildar,
Revenue Office,
Avinashi,
Tiruppur District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 12.09.2013 and 24.10.2013 on the basis of the Memorandum deated 27.05.1922 and settlement dated 07.12.2005.

For Petitioner : Mr.P.Tamilvel

For Respondents: Mr.M.L.Mahendran,
Government Advocate

ORDER

Heard Mr.P.Tamilvel, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate for the respondents.

2. The petitioner seeks for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representations dated 12.09.2013 and 24.10.2013 on the basis of Memorandum dated 27.05.1922 and settlement dated 07.12.2005.

3. Learned counsel for the petitioner submitted that the property comprising 1309 sq.ft. in Natham S.No.47 situated at Devarayam Palayam Village, Rakkiyappa Palayam, Avinashi Taluk, Tiruppur District, originally belonged to one Avinashi Gounder. Thereafter, a Memorandum dated 27.05.1922 has been entered into between the Tahsildar, Avinashi and the said Avinashi Gounder, to distribute the excess land of Avinashi Gounder to and in favour of the Muslim Community persons, who were residing there for the past several

years. Due to the same, the subject plot was allotted to the petitioner's grand father. After the death of petitioner's grandfather, the petitioner's father is stated to have been enjoying the property and a settlement deed dated 07.12.2005 has been executed by the father of the petitioner, Mohammed Shali under settlement deed dated 07.12.2005 registered as document No.11388 of 2005 in favour of the petitioner. After the execution of the settlement deed, the petitioner is said to be in possession and enjoyment of the property. Therefore, the petitioner made a representation to the respondents dated 12.09.2013 and 24.10.2013 to issue patta on the strength of the above mentioned settlement. As the said representations were not considered, the present writ petition is filed.

4. Taking note of the pendency of the representations dated 12.09.2013 and 24.10.2013 respectively and without going into the merits of the case, the respondent is directed to consider the representations dated 12.09.2013 and 24.10.2013 made by the petitioner on the basis of Memorandum dated 27.02.1922 and settlement dated 07.12.2005 and pass orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,
Tiruppur.

2. The Tahsildar,
Revenue Office,
Avinashi,
Tiruppur District.

1 cc to Mr. P.Tamilavel, Advocate, SR.No.11187
1 cc to Government Pleader, Sr.No11271

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pmk.21.3.2015