



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15600 of 2015

K.P.Rajendran

...Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Papanasam Taluk Office,
Papanasam,
Thanjavur District.

...Respondents

This Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to issue patta in the name of the petitioner with regard to the properties in Kapisthalam Vattam in Survey No.344/1C to an extent of 10 cents, Surukai Village Survey No.151/2 to an extent of 50 cents and Kapisthalam Village Survey No.332/1C to an extent of 6 cents on the basis of the petitioner's representation, dated 05.01.2015.

For petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.S.Kumar,
Additional Government Pleader

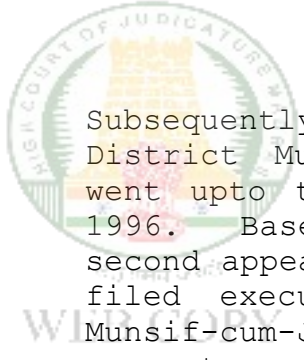
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to issue patta in the name of the petitioner with regard to the properties situated in Kapisthalam Vattam in Survey No.344/1C to an extent of 10 cents, in Surukai Village in Survey No.151/2 to an extent of 50 cents and in Kapisthalam Village in Survey No.332/1C to an extent of 6 cents on the basis of the petitioner's representation, dated 05.01.2015.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4.It is averred in the petition filed in support of the Writ Petition that the lands in Kapisthalam Vattam in Survey No.344/1C to an extent of 10 cents, in Surukai Village in Survey No.151/2 to an extent of 50 cents and in Kapisthalam Village in Survey No.332/1C to an extent of 6 cents, originally belonged to the father of the petitioner and he was in possession and enjoyment of the same. After his demise, the same was in possession and enjoyment of the petitioner and his brother.



Subsequently, the petitioner filed O.S.No.21 of 1988 on the file of the District Munsif-cum-Judicial Magistrate, Papanasam and the said suit went upto the High Court by way of a second appeal in S.A.No.1576 of 1996. Based on the compromise entered into between the parties, the second appeal was disposed of on 31.07.2007. Thereafter, the petitioner filed execution petition in E.P.No.19 of 2012 before the District Munsif-cum-Judicial Magistrate, Papanasam, wherein the above said property was handed over to the petitioner. Thereafter, the petitioner made a representation before respondents 1 and 2 on 01.12.2014 and thereafter on 05.01.2015, to issue pata in the name of the petitioner. But the respondents did not consider the representation of the petitioner till date. Hence, the petitioner has come forward with this Writ Petition for the above stated relief.

5. Considering the submissions made, without going into merits of the matter, this Court directs the second respondent to consider the representation of the petitioner, dated 05.01.2015, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to give particulars of the necessary parties to the second respondent to decide the issue.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Papanasam Taluk Office,
Papanasam,
Thanjavur District.

+1cc to Mr.G.Gomathi Sankar, Advocate SR.No.49852

+1cc to The Special Government Pleader, Madurai. SR.No.50018

W.P (MD) .No.15600 of 2015
28.08.2015

CSL/AN-MP/SAR J/09.09.2015 : 2P/5C