



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.18784 of 2015

WEB COPY

Bala Ravindran

... Petitioner

-vs-

1.The Director

Survey and Land Records

Department of Survey and Settlement

Chepauk, Chennai

2.The Assistant Land Settlement Officer

Department of Survey and Settlement

Chepauk, Chennai

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 08.10.2015, regarding the change of Patta in petitioner favour for the land measuring an extent of 3.69 Acres in Survey No.143/1, Old Survey No.134, Latest UDR Survey No.2/1 in Madurai District, Madurai North Circle, Sirudur Village in Tirupalai Village.

For Petitioner : Mr.N.R.Elango

Senior Counsel for Mr.P.Thilak Kumar

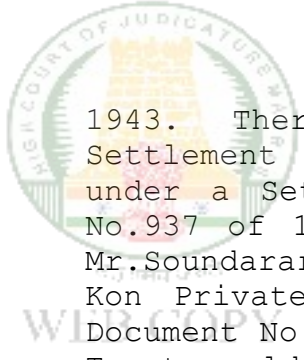
For Respondents : Mr.S.Kumar, A.G.P.

O R D E R

Mr.S.Kumar, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in the writ petition is for issuance of a writ of mandamus to direct the second respondent to consider the petitioner's representation, dated 08.10.2015, with regard to change of Patta in his name, in respect of the land, comprised in Old Survey No.134, then Survey No.143/1, Latest UDR Survey No.2/1, of T.Sirudur Village, Madurai North Taluk, measuring about 3.69 Acres.

3. According to the petitioner, the landed property comprised in Survey No.134, Baimash No.76, then Survey No.143, of T.Sirudur Village, Madurai District, measuring about 11.42 Acres, originally belonged to Mr.Hariharaputra Pillai and Mr.Ponnusamy Pillai. They inturn sold the said property to Mr.Muthalagu Servai and Mr.Shanmugam Servai, under a Sale Deed, dated 24.12.1930, and registered as document No.1028 of 1931. The said Mr.Muthalagu Servai and Mr.Shanmugam Servai along with their children sold a portion of the property, measuring about 3.69 Acres to Mr.Gopalakrishna Kon, under a Sale Deed, dated 16.04.1941 and registered as document No.1617 of 1941. The said Mr.Gopalakrishna Kon settled the said property in favour of Gopalakrishna Kon Private Trust, under a Settlement Deed, dated 01.04.1943, and registered as document No.5318 of



1943. Thereafter, the said Mr.Gopalakrishna Kon executed an additional Settlement Deed in favour of the said Gopalakrishna Kon Private Trust, under a Settlement Deed, dated 07.03.1956, and registered as document No.937 of 1956. Thereafter, the said Mr.Gopalakrishna Kon adopted one Mr.Soundararajan and nominated him as a Trustee of the said Gopalakrishna Kon Private Trust, under a Will, dated 12.06.1958, and registered as Document No.75 of 1958. The said Mr.Soundararajan, on behalf of the said Trust, sold an extent of 1.5 Acres to the petitioner, 1.2 Acres to his wife Mrs.Jegathambal and 0.99 Acres to his son Mr.Subbukannu, under three separate Sale Deeds, dated 20.08.1999, 07.12.1999 and 20.08.1999 and registered as document Nos.2517 of 2000, 3820 and 2518 of 1999, respectively.

4. Further, the petitioner submits that an extent of 7.28 Acres of land out of the total extent of 11.82 Acres, belongs to Mr.Vanniya Konar and Mr.Satha Konar. The said entire extent of land is a Patta land, but in the Government records, the said land is mentioned as "Meinendhal Kanmai". Therefore, the legal heirs of the said Mr.Vanniya Konar and Mr.Satha Konar sent a representation to the second respondent seeking Patta in their name and the second respondent has also issued Patta in their name in respect of the said 7.28 Acres.

5. Further, the petitioner submits that the land measuring about 3.69 Acres, belongs to the petitioner, his wife and his son, is adjacent to the land belongs to the said Mr.Vanniya Konar and Mr.Satha Konar and the possession of the said land is solely with them. But, in the Government records, their land is also mentioned as "Meinendhal Kanmai". Therefore, he submits that before enactment of the Tamil Nadu Urban Land Ceiling Act, the said land was mentioned as "Patta Land" and subsequently it was changed to "Meinendhal Kanmai". Hence, the petitioner sent a representation, dated 08.10.2015, to the second respondent with regard to change of Patta in the joint name of him, his wife and his son, on the basis of the Patta issued in favour of the said Mr.Vanniya Konar and Mr.Satha Konar, for the extent of 7.28 Acres. But, till date the second respondent has not taken any action on the petitioner's representation and kept the petitioner's representation pending. Therefore, he has filed this writ petition.

6. Considering the facts and circumstances, without going into the merits of the petitioner's claim, there shall be a direction to the second respondent to consider the petitioner's representation, dated 08.10.2015, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this Order.

7. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writ)

/TURE COPY/



krk

To:

1.The Director,
Survey and Land Records,
Department of Survey and Settlement,
Chepauk, Chennai.

2.The Assistant Land Settlement Officer,
Department of Survey and Settlement,
Chepauk, Chennai.

+1 cc to MR.P.THILAK KUMAR, ADVOCATE, SR NO: 61139

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 60945

JAM /28.10.2015/SKS-RR /3P-5C

W.P. (MD) No.18784 of 2015
14.10.2015