

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10130 of 2016

C.A.Adhithya

... Petitioner

Vs.

1. The Tahsildar,  
Arakkonam Taluk  
Vellore District.

2. T.Siva Mudaliar

3. T.Dharani

4. R.Dharmalinga Mudaliar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders on the petitioner's representation dated 18.08.2015 and reminder dated 26.10.2015, 15.12.2015 and 20.02.2015 seeking to enter the name of the petitioner and other Legal Heirs in the 'A' Register in respect of Old Survey No.336/2A and New Survey No.336/2A1, 336/2A2 and 336/2A4 measuring an extent of 1.16 acres.

For Petitioner : Mr.J.Shanmugasundara Babu

For Respondents : Mr.M.Dig Vijaya Pandian for R1  
Additional Government Pleader

सत्यमेव जयते  
O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to pass orders on the petitioner's representation dated 18.08.2015 and reminder dated 26.10.2015, 15.12.2015 and 20.02.2015 seeking to enter the name of the petitioner and other Legal Heirs in the 'A' Register in respect of Old Survey No.336/2A and New Survey No.336/2A1, 336/2A2 and 336/2A4 measuring an extent of 1.16 acres.

3. In the petition it has been stated that the property Punjai lands comprised in S.No.336/2 which is resurveyed as 336/2A and then re-surveyed as 336/2A2 and 336/2A4 situated at No.97, Parithiputhur Village, Arakkonam Taluk, Vellore District originally owned by one Mr.Chinnappa Mudaliar, who acquired the land measuring an extent of 2.36 acres under mutual deed dated 26.06.1924 entered between himself and one Rama Reddy and registered as Document No.1654/1924 on the file of the Sub Registrar Office, Arakkonam and by virtue of the said mutual deed, the said Chinnappa Mudaliar was in possession and enjoyment of the same.

4. It is further stated that the said Chinnappa Mudaliar died leaving behind his only son Arjuna Mudaliar to inherit his estate and the said Arjuna Mudaliar, sold 0.93 cents and 0.27 cents out of the 2.36 acres under two separate sale deeds dated 11.12.1962 and 09.01.1965 registered as Document Nos.5078/1962 and 112/1965 respectively, on the file of the Sub Registrar Office, Arakkonam. Thereafter, the said Arjuna Mudaliar was in absolute possession and enjoyment of the remaining 1.16 acres of land and the said Arjuna Mudaliar died on 03.01.1997 leaving behind his wife and sons including the petitioner to succeed his estate and they are in absolute possession of the above said extent of land till date. Thereafter, they tried to sell the land and they came to know that the name of the father of the respondents 2 and 3 and the fourth respondent were wrongly entered in the A Register and because of the wrong entry in the A Register, they are not able to dispose of the property.

5. The petitioner in this regard has made representation to the first respondent requesting to enter the names of the legal heirs of Arjuna Mudaliar in the place of the respondents 2 and 3 and the fourth respondent by enclosing the relevant documents. But no action was taken. Hence, he sent reminders dated 26.10.2015, 15.12.2015 and 20.02.2016, but no action has been taken till date. Hence, the petitioner has come forward with this petition.

6. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

7. This Court without going into the merits of the claim made by the petitioner, directs the petitioner to give a fresh representation along with a copy of this order to the first respondent within a period of one week from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the same and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as the respondents 2 to 4, within a period of six weeks thereafter.

8.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. The writ petition is disposed of accordingly. No costs.

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s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

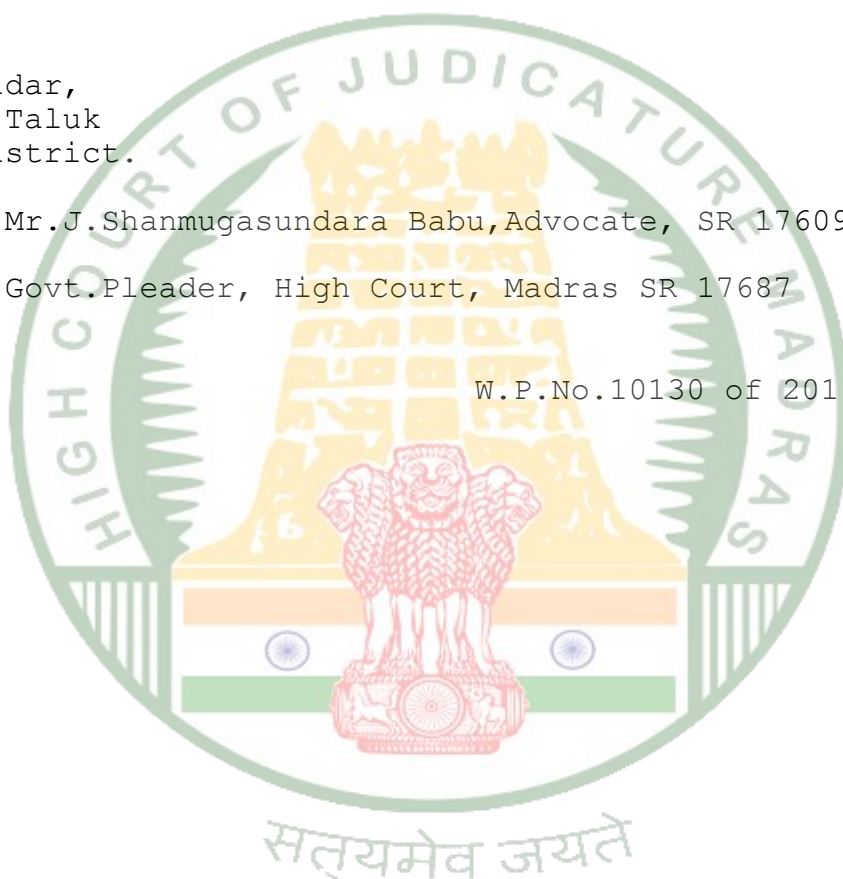
The Tahsildar,  
Arakkonam Taluk  
Vellore District.

+ 1 cc to Mr.J.Shanmugasundara Babu,Advocate, SR 17609

+ 1 cc to Govt.Pleader, High Court, Madras SR 17687

vgi (co)  
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