

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.10401 to 10406 of 2016

Mrs.Nasima Begum (a) Aali ... Petitioner in W.P.10401 of 2016
Mrs.Yasmin Begum ... Petitioner in WP.NO.10404 to
10406/16
Vs.

1.The District Collector,
Chennai District,
Chennai.

2.The Tahsildar
Egmore - Nungambakkam Taluk,
Chennai. ... Respondents in All Wps

Prayer in W.P.10401 of 2016:

Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to dispose of the representation dated 18.01.2016 made by the petitioner.

For Petitioners : Mr.Mohamed Ehiya
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal.

2.The present writ petitions have been filed seeking a Mandamus directing the second respondent to dispose of the representation dated 18.01.2016 made by the petitioners.

3.The case of the petitioners is that the properties namely, (i)the house and ground bearing Old Door No.41 and new Door No.136, present Door No.108, Rangarajapuram Main Road, Kodambakkam, Chennai - 600 024, measuring an extent of 4032 sq.ft. (as per patta measuring land 1596 sq.ft.) comprised in T.S.No.113/10, Block No.44, Puliyur Village along with common passage measuring an extent of 896 sq.ft. situated within the

Sub-Registration District of Kodambakkam and Registration District of South Chennai, (ii)the lands situated at Rangarajapuram Main Road, Kodambakkam, Chennai - 600 024, measuring an extent of 2 grounds 1707 sq.ft. comprised in Paimash No.995, T.S.No.113/5, Block No.44, Puliyur Village situated within the Sub-Registration District of Kodambakkam and Registration District of South Chennai and (iii)the lands situated at Rangarajapuram Main Road, Kodambakkam, Chennai - 600 024, measuring an extent of 4 grounds comprised in Paimash No.996, Block No.44, Sher Khan Garden situated within the Sub-Registration District of Kodambakkam and Registration District of South Chennai, originally belonged to the petitioners' grandfather Sahib Khan. In pursuance of the Will, his son/petitioners' father Karim Khan inherited the said property and the said Karim Khan died intestate and the said property was inherited by his legal heirs including the petitioners and they are in possession and enjoyment of the property.

4.The further case of the petitioners is that one E.D.Balasubramaniam obtained patta for the above said property by forging documents and on the strength of the same he took over the possession of the property and when the petitioners' mother came to know about it, she represented by her sons Liyagath and Hameed and a made petition to the District Revenue Officer, Chennai for cancellation of patta issued to E.D.Balasubramaniam and the District Revenue Officer, Chennai took up the petition for hearing vide proceedings J3/24760/2012 and after due enquiry the District Revenue Officer, Chennai vide order dated 12.02.2014 cancelled the patta issued to E.D.Balasubramaniam and directed the Tahsildar, Egmore - Nungambakkam Taluk to grant patta along with the encumbrance certificate thereby ascertaining the ownership of the said property to the petitioners' mother. Subsequently, the petitioners' mother and other family members entered into an agreement for family partition dated 14.02.2014. Now, the petitioners want to demolish the superstructure built in the said property in order to construct a new building. Hence, the petitioners made representation to the second respondent on 18.01.2016 to survey and demarcate the above said property. But no action has been taken on the said representation till date. Hence, the petitioners have come forward with these petitions.

5.Heard the submissions of the learned counsel appearing for the petitioners and the learned Special Government Pleader.

6.This Court without going into the merits of the claim projected by the petitioners, directs the second respondent to conduct enquiry on the representation of the petitioners dated 18.01.2016 and pass appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioners, within a period of twelve weeks from

the date of receipt of a copy of this order.

7.The writ petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Chennai District,
Chennai.

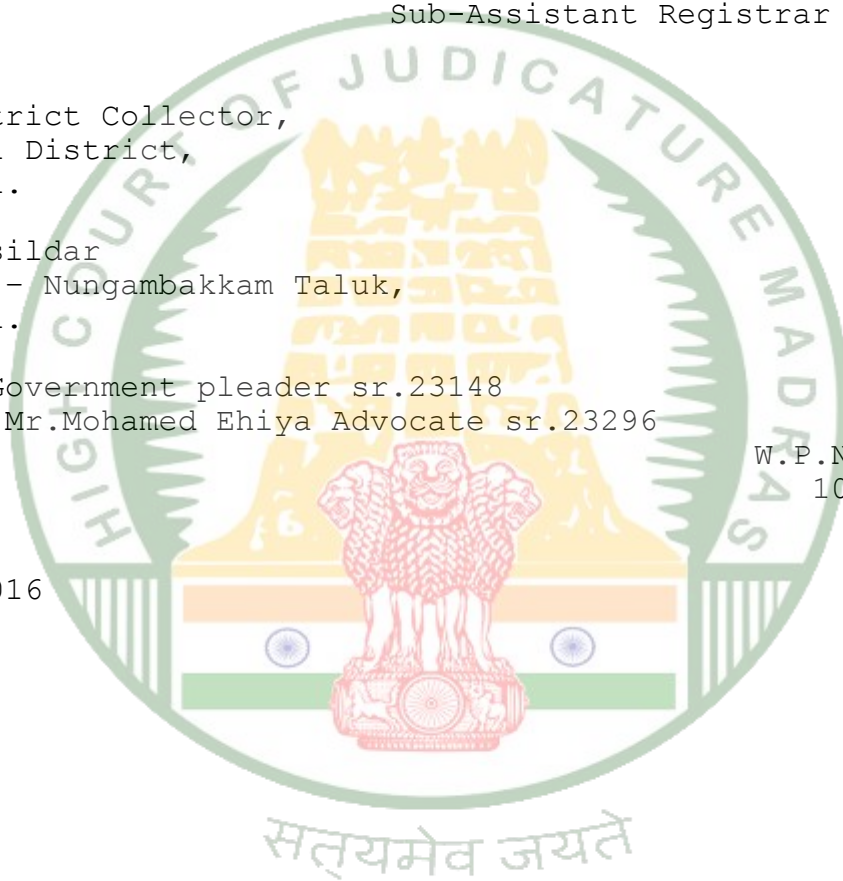
2.The Tahsildar
Egmore - Nungambakkam Taluk,
Chennai.

+1 cc to Government pleader sr.23148

+2 ccs to Mr.Mohamed Ehiya Advocate sr.23296

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