

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10801 of 2016

E.Velu

... Petitioner

vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Tindivanam,
Villupuram District.
3. Ramu Gounder

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to cancel the patta issued wrongly to the third respondent on the basis of the petitioner's representation dated 18.9.2015 within the time frame by this Court and to direct the respondent to issue a separate patta to the petitioner and his brothers.

For Petitioner : Mr.K.Gandhi Kumar
For Respondents : Mr.S.V.Durai Solai Malai,
Addl. Govt. Pleader,
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to cancel the patta issued wrongly to the third respondent, on the basis of his representation dated 18.9.2015 within a time frame fixed by this Court and to direct the respondents 1 and 2 to issue a separate patta to him and his brothers.

2. It is the case of the petitioner that during 1977, by way of partition (Koor Sheet), his father got a property to an extent of 0.37-1/2 cents in Survey No.166/13, New Survey

No.51/5, (patta No.301), Salavathi Village , Tindivanam Taluk and he was in exclusive possession and enjoyment of the said property. Due to his old age, his father executed a gift deed dated 12.4.2012 in favour of the petitioner and his two brothers. Thereafter, the petitioner and his brothers are enjoying the said property without any hindrance. While so, he came to know that the patta for the said property was wrongly issued in the name of the third respondent. Hence, the petitioner made a representation to the second respondent on 10.6.2013 requesting him to issue patta in their name. Since no action was taken by the second respondent on the said representation, he has given a detailed representation dated 18.9.2015 to the Minister for Revenue and the same was forwarded to the second respondent. But, the second respondent has not taken any action on the said representation also. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents 1 and 2 to cancel the patta issued wrongly to the third respondent on the basis of his representation dated 18.9.2015 within a time frame fixed by this Court and to direct the respondents 1 and 2 to issue a separate patta to him and his brothers.

3. Learned counsel appearing for the petitioner submitted that the third respondent has also given no objection on 18.9.2015 itself stating that patta was wrongly issued to him. In spite of the same, the second respondent did not issue separate pattas in favour of the petitioner and his brothers. Thus, he sought for direction to the respondents 1 and 2 to issue separate pattas in his favour and in favour of his brothers.

4. I have heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 18.9.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and other necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for

the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.
sbi

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Villupuram District,
Villupuram.

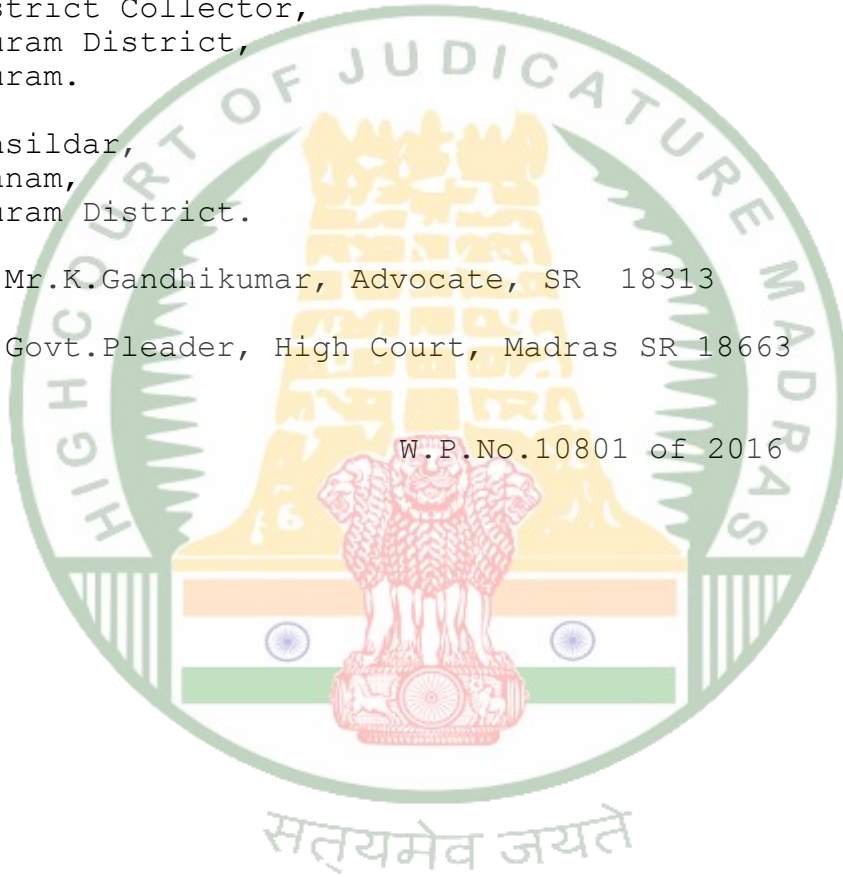
2. The Tahsildar,
Tindivanam,
Villupuram District.

+ 1 cc to Mr.K.Gandhikumar, Advocate, SR 18313

+ 1 cc to Govt.Pleader, High Court, Madras SR 18663

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