

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11828 of 2016

Mr.A.Ranganathan

.. Petitioner

Vs.

1. The District Collector,
Sathuvachery,
Vellore-632 009.

2. The Thasildar,
Walajah, Vellore District.

3. The Revenue Divisional Officer,
Ranipet, Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representations, dated 20.04.2015 and 03.12.2015 and issue patta to the petitioner.

For Petitioner : Dr.A.Thiyagarajan, Senior Counsel for
M/s.S.Ramesh Kumar

For Respondents : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the representations, dated 20.04.2015 and 03.12.2015 and issue patta to the petitioner.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is the absolute owner of the property situated in Survey No.234/3 of an extent of 18 cents, S.No.237/1 and 2 of an extent of 63 cents and also a Plot in the field situated in Old Nandialam, Walajah Taluk, Vellore District. It is the grievance of the petitioner that one

Mr.Kartikeyan and another disturbed the petitioner's possession and peaceful enjoyment of the said property. Hence, the petitioner filed a suit for declaration and injunction in O.S.No.123 of 1996 before the District Munsif Court, Arcot and the said suit was decreed on 18.12.2002, after which, the petitioner filed an Execution Petition in E.P.No.14 of 2005 in O.S.No.123 of 1996; in the said E.P., the defendant's wife in main suit, namely Mallikam filed an application under Order 21 Rule 97 of Civil Procedure Code, which was dismissed on 18.02.2011, against which, the said Mallika preferred Civil Revision Petition before this Court in C.R.P.(NPD).No.4356 of 2011, which was also dismissed by this Court on 18.02.2014. It is the case of the petitioner that, subsequently, the decree was executed and the petitioner is in possession and enjoyment of the property.

3. It is further stated by the petitioner that he sent a representation, dated 11.02.2015 to the respondents to measure and issue patta in his favour. The third respondent-Revenue Divisional Officer, on 17.02.2015, directed the second respondent-Tahsildar to take steps to measure the property and send a report. Thereafter, inspite of subsequent representation, dated 20.04.2015, since no action is taken, the petitioner sent another representation, dated 03.12.2015 to the first respondent-District Collector, with copies marked to the second and third respondents and the said representation, dated 03.12.2015 was acknowledged by the respondents on 08.12.2015. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the above factual aspects of the matter, without going into the merits of the case, this Court directs the respondents to consider the said representations, dated 20.04.2015 and 03.12.2015 given by the petitioner, conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Copy to

1. The District Collector,
Sathuvachery, Vellore-632 009.
2. The Thasildar, Walajah, Vellore District.
3. The Revenue Divisional Officer, Ranipet, Vellore District.

+1 cc to Government Pleader sr.20169

+1 cc to Mr.S.Ramesh kumar Advocate sr.19659

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