

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 11976 of 2016

N.A.S.Ansari

... Petitioner

Vs.

1. The District Collector,
Cuddalore,
Cuddalore District.

2. The Tahsildar,
Chidambaram,
Tahsildhar's Office,
Chidambaram District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to pass orders on the petitioner's applications dated 28.01.2015 and 27.10.2015 for grant of patta for the lands in T.S.No.705, ward no.6, block no.8, West Car Street, Chidambaram, admeasuring 292 ½ sq.ft.

For Petitioner : Mr.R.Srinivas

For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the respondents 1 and 2 to pass orders on the petitioner's applications dated 28.01.2015 and 27.10.2015 for granting of patta for the lands in T.S.No.705, ward no.6, block no.8, West Car Street, Chidambaram, admeasuring 292 ½ sq.ft.

3. The petitioner has filed a suit in O.S.No.34/1993 for declaration of title and injunction on the file of Sub-Court, Chidambaram with regard to the land in T.S.No.705, measuring to an extent of 292 ½ sq.ft in Ward No.6, Block No.8, Chidambaram Municipal Town Limits against the first respondent and the Divisional Engineer, Highways Department, seeking a declaration of title over the said lands based on his adverse possession and the said suit was decreed on 28.04.1995 and challenging the same, an appeal has been filed before this Court and the same was also dismissed by confirming the judgment and decree dated 28.04.1995. Based on the said judgment and decree, the petitioner made a representation to the respondents for granting of patta on 28.01.2015 and also sent another representation on 16.04.2015. However, no action has been taken on the said representations. Hence, once again, he made another representation on 27.10.2015 to the second respondent in person and to the first respondent by RPAD. But, till date, no action has been taken on the said representations. Hence, the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 27.10.2015 and pass an appropriate order, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. It is for the second respondent to decide the issue purely on merits.

6. The writ petition is disposed of accordingly. No costs.
mrp

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Cuddalore,
Cuddalore District.

2. The Tahsildar,
Chidambaram,
Tahsildhar's Office,
Chidambaram District.

+ 1 cc to Mr.R.Srinivas,Advocate, SR 20142

+ 1 cc to Govt.Pleader, High Court, Madras SR 20542

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