

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12603 of 2016

M.Prabhu

.. Petitioner

Vs.

1. District Collector, Thiruvannamalai.
2. Thasildar, Thiruvannamalai Taluk,
Thiruvannamalai. ... 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 survey the petitioner's land situated at S.No.230/2A5, Ward No.2, Pillayar Koil Street, Thiruvannamalai, fix boundaries and issue separate patta in petitioner's name as requested by the petitioner in the letter dated 09.07.2015.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to survey the petitioner's land situated in S.No.230/2A5, Ward No.2, Pillayar Koil Street, Thiruvannamalai, fix boundaries and issue separate patta in the petitioner's name as requested by the petitioner in the letter dated 09.07.2015.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is the owner of the above said land, which initially belonged to his father Murugesan's step-mother Seetaimmal, who gifted the property in favour of the petitioner, vide settlement deed, dated 13.08.1999. As the petitioner was minor, his father was made a party to the gift. After attaining majority in 2008, the petitioner became the absolute owner of the property. The patta in respect of the above property stands in the name of the petitioner's grandfather Thangavel Udayar. Hence, the petitioner applied for grant of patta in his name. It is further stated by the petitioner that as per the Patta Passbook Act, the

respondents have to modify the entire in the patta register and issue new patta when transfer of ownership takes place. Hence, the petitioner made a representation, dated 09.07.2015 to the second respondent to issue patta after measuring the land and to fix the boundaries. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Considering the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondents to consider the said representation of the petitioner, dated 09.07.2015, conduct enquiry, afford an opportunity of personal hearing to the petitioner and necessary parties and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of four 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.

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

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. District Collector, Thiruvannamalai.
2. Thasildar, Thiruvannamalai Taluk,
Thiruvannamalai.

+1 cc to Mr.V.Raghavachari, Advocate, sr.21023
+1 cc to Government Pleader, sr.21275

W.P.No.12603 of 2016

ks co
kra 25.04.2016