

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12970 of 2016

Albert Jesudasan

.. Petitioner

Vs.

The Thasildar,
Alandur Thasildar Office,
Chennai-600 016.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation, dated 19.10.2015 and change the patta in favour of the petitioner's name in Survey Nos.604 and 605 to an extent of 2901 Sq.Ft. bearing New No.179 and Old No.96 at M.K.N.Road, Alandur, Chennai-16 and dispose of the same in accordance with law.

For Petitioner : Mr.T.Arul

For Respondent : 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 respondent to consider the petitioner's representation, dated 19.10.2015 and change the patta in favour of the petitioner's name in Survey Nos.604 and 605 to an extent of 2901 Sq.Ft. bearing New No.179 and Old No.96 at M.K.N.Road, Alandur, Chennai-16 and dispose of the same in accordance with law.

2. It is the case of the petitioner that his father Mr.A.Jesudoss purchased the above said property, which was registered in Doc.No.114/1949 in S.R.O., Saidapet and from then onwards, he was in absolute possession and enjoyment of the said property till his death on 11.04.1988, leaving behind the petitioner and his mother as the only legal heirs. During the petitioner's father's lifetime, he got patta in patta No.291 in respect of the above said property and executed a registered Will, dated 29.03.1988, by which, his father transferred the property in favour of the petitioner, and therefore, according to the petitioner, as per the testament, the petitioner is the

owner of the property and enjoying the same till date without any hindrance. It is his further case that he has been paying property and other tax to the Government. In order to change the patta in petitioner's favour, he sent a representation, dated 19.10.2015 to the respondent. As no action is taken by the respondent, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondent to consider the said representation of the petitioner, dated 19.10.2015, conduct enquiry, give an opportunity of personal hearing to the petitioner and 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 respondent to decide the same based on the above said enquiry, available records and merits of the case.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cs

Copy to

The Thasildar,
Alandur Thasildar Office,
Chennai-600 016.

+1 cc Government Pleader, sr.2224
+1 cc to Mr.T.Arul, Advocate, sr.22140

W.P.No.12970 of 2016

ksj co
kra 20.04.2016