

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13017 of 2016

G.Pooshanam

... Petitioner

vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.

3.The Tahsildar,
Thirukazhukundram,
Kanchipuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to consider the petitioner's appeal dated 05.11.2015 challenging the order passed by the third respondent in Na.Ka.No.8827/2015/AA1 dated 28.10.2015 and consequently, directing the second respondent to issue patta.

For Petitioner : Mr.G.Krishnamurthy

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider her appeal dated 05.11.2015 filed against the order passed by the third respondent in Na.Ka.No.8827/2015/AA1 dated 28.10.2015 and consequently, directing the second respondent to issue patta in her favour.

2. The case of the petitioner is that originally the property in S.No.136/8 at Mettumangalam Village, Thirukazhukundaram Taluk was Government Poromboke land and the same was encroached and was in continuous possession and

enjoyment by one Kanniyappa Naicker from 1980. Thereafter, the said property was purchased by the petitioner herein under a sale deed dated 10.01.1994. From the date of purchase, the petitioner has been in possession and enjoyment of the said property and has duly paid the taxes due to the Government. In the mean while, she made a representation to transfer the patta in her name in respect of the property in question. As there was no response, she had filed WP.No.20312/2015 before this Court, seeking a direction to dispose of her representation. By an order dated 08.07.2015, the said writ petition was disposed of, by directing the Tahsildar, Thirukazhukundram, to consider the petitioner's representation and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of that order. Pursuant to the same, the Tahsildar, Thirukazhukundram who is the third respondent herein, by order dated 28.10.2015, rejected the petitioner's representation seeking patta in respect of her property. Aggrieved over the same, the petitioner filed an appeal dated 05.11.2015 before the second respondent herein and the same was not considered so far. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the appeal filed by the petitioner dated 05.11.2015, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kanchipuram District, Kanchipuram.

2.The Revenue Divisional Officer,
Chengalpattu, Kanchipuram District.

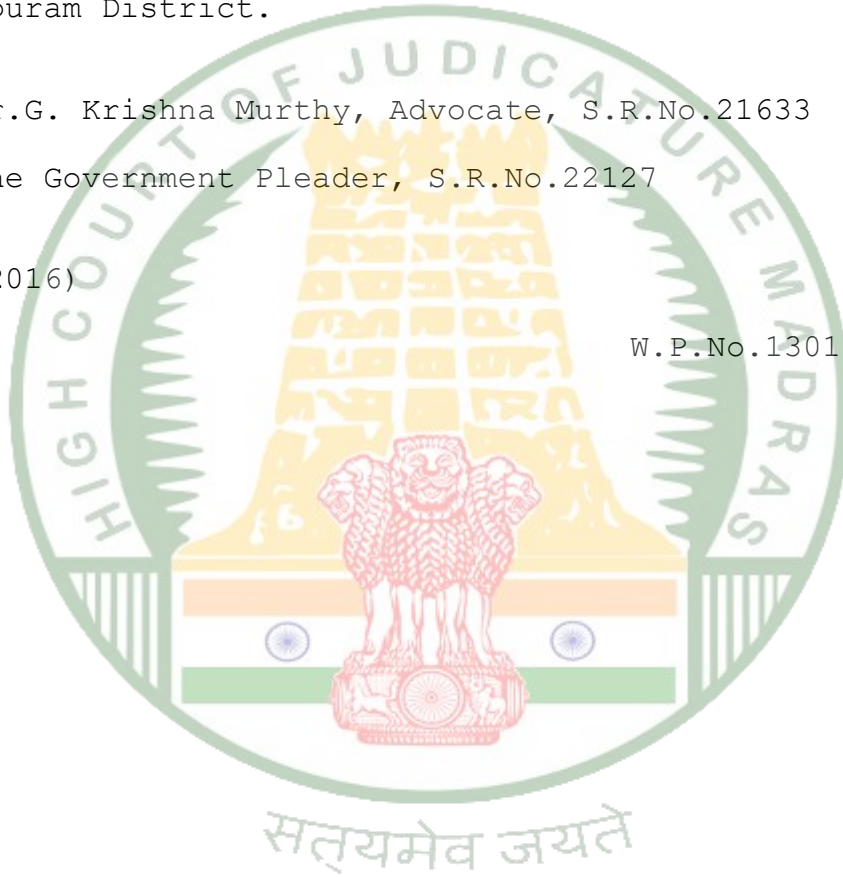
3.The Tahsildar, Thirukazhukundram,
Kanchipuram District.

+1cc to Mr.G. Krishna Murthy, Advocate, S.R.No.21633

+1cc to the Government Pleader, S.R.No.22127

AD(CO)
EU(10/05/2016)

W.P.No.13017 of 2016



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