

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13186 of 2016

1 R.Dhandapani ... Petitioner

Vs.

1 The District Collector
Collectorate
Salem District, Salem-1.

2 The District Revenue Officer
Salem.

3 The Revenue Divisional Officer
Attur, Salem District.

4 The Tahsildar
Attur, Salem District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 3rd and 4th Respondents herein to consider the petitioner's representation dated 08.02.2016 and reminder representation dated 02.04.2016 and issue the natham patta for bearing S.No.460/3 to the extent 2025 square feet in favour of the petitioner situated in Narasingapuram Village, Attur Taluk, Salem District belongs to the petitioner.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

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O R D E R

The prayer in the writ petition is for issuance of a Writ of Mandamus directing Respondent Nos.3 and 4 to consider the petitioner's representation dated 08.02.2016 and reminder representation dated 02.04.2016 and issue Natham Patta in respect of the property in S.No.460/3 to an extent 2025 square feet, situated in Narasingapuram Village, Attur Taluk, Salem District in favour of his name.

(2.1) The case of the petitioner is that the property in S.No.460/3 to an extent 2025 square feet, situated in Narasingapuram Village, Attur Taluk, Salem District originally belonged to his grandmother Poovai Ammal, which was acquired by way of registered Sale Deed dated 27.8.1947. From the date of purchase, she was in possession of the same. She died on 14.10.1982. After her death, the petitioner's father was in possession and enjoyment of the same. The petitioner's father died on 6.1.2004. After his demise, the property devolved upon the petitioner.

(2.2) When the petitioner applied for bank loan from State Bank of India, Attur Branch, he was insisted to get a patta in respect of the said property. Since Natham patta is required to be produced for loan purpose, he made a representation dated 8.2.2016 to the respondents for issuance of patta and the same was not considered so far. Hence, he sent a reminder representation dated 1.4.2016 through registered post with acknowledgment due. As there is no response from the respondents, he has chosen to seek alternative remedy by way of filing this writ petition.

(3) Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of the respondents.

(4) Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 8.2.2016 seeking issuance of patta in respect of the property in question, by affording an opportunity of personal hearing to the petitioner as well as the necessary parties, if any, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ajr

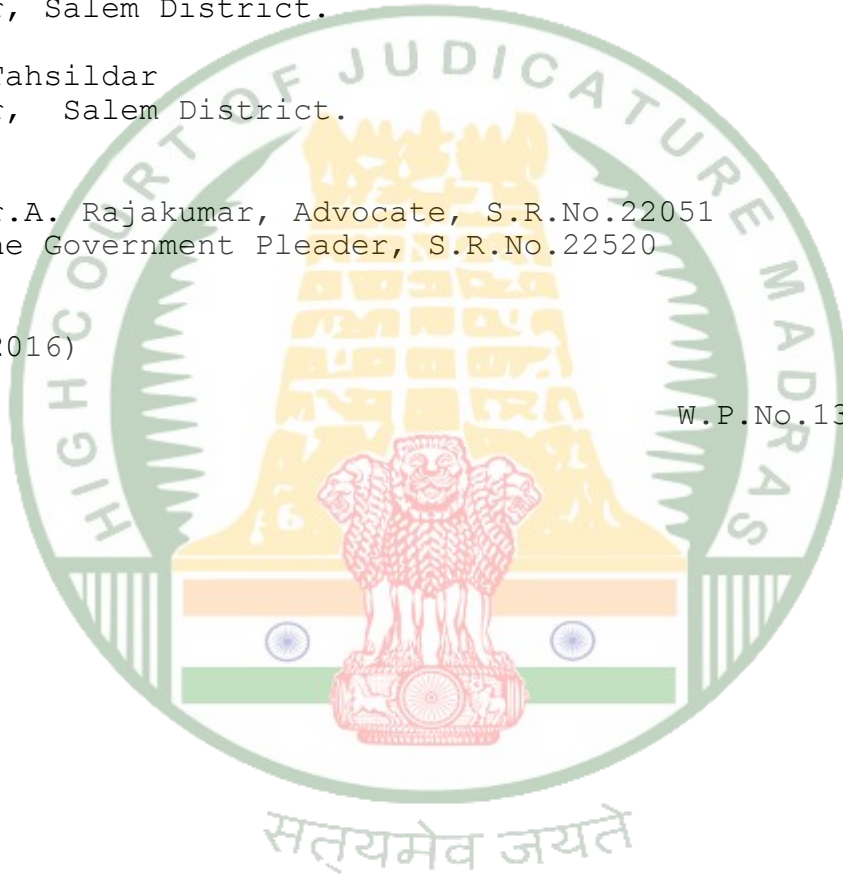
To

- 1 The District Collector
Collectorate
Salem District, Salem-1.
- 2 The District Revenue Officer
Salem.
- 3 The Revenue Divisional Officer
Attur, Salem District.
- 4 The Tahsildar
Attur, Salem District.

+1cc to Mr.A. Rajakumar, Advocate, S.R.No.22051
+1cc to the Government Pleader, S.R.No.22520

VSN(CO)
EU(27/04/2016)

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