

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13903 of 2016

Dr.Jamal Yousuf

... Petitioner

Vs.

1.The District Collector,
Nagappattinam,
Nagappattinam District.

2.The District Revenue Officer,
Office of the District Collector,
Nagappattinam.

3.The Revenue Divisional Officer,
Nagappattinam District.

4.The Tahsildar,
Nagappattinam Taluk,
Nagappattinam District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's representation dated 5.2.2014 and thereby grant patta to the petitioner for the land in Ward No.4, Block No.29, T.S.No.1247/2 to an extent of 1222.5 sq.mts at Velipalayam Village, (Kadambadi Bunglow Club Road), Nagappattinam Town and Taluk, Nagappattinam District.

For Petitioner : Mr.C.R.Malarvannan

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 5.2.2014 and to grant patta for the land in Ward No.4, Block No.29, T.S.No.1247/2 to an extent of 1222.5 sq.mts at Velipalayam Village, (Kadambadi Bunglow Club Road), Nagappattinam Town and Taluk, Nagappattinam District.

3. It is the case of the petitioner that he is the absolute owner of the plot in Ward No.4, Block No.29, T.S.No.1247/2 to an extent of 1222.5 sq.mts at Velipalayam Village, (Kadambadi Bunglow Club Road), Nagappattinam Town and Taluk, Nagappattinam District. He got the said property by way of settlement deed dated 5.1.2004 vide document No.12/2004 registered on the file of the Sub Registrar, Nagappattinam, executed by his son Salman. From the date of settlement, the petitioner is in possession and enjoyment of the same by paying tax to the Municipality, Nagappattinam. Since the patta was not transferred in his name even after the settlement, he made a representation dated 5.2.2014 to the second respondent requesting him to transfer the patta in his name. After receipt of the said representation, the second respondent vide proceedings dated 28.2.2014, directed the third respondent to take necessary action on the said representation and report the same. Even thereafter, no action was taken by the third respondent on his representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation for issuance of patta to the fourth respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent is directed to consider the same and pass appropriate orders / take necessary action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the fourth 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.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Nagappattinam,
Nagappattinam District.
 - 2.The District Revenue Officer,
Office of the District Collector,
Nagappattinam.
 - 3.The Revenue Divisional Officer,
Nagappattinam District.
 - 4.The Tahsildar,
Nagappattinam Taluk,
Nagappattinam District.
- + 1 cc to Mr.C.R.Malarvannan, Advocate Sr 23736
- + 1 cc to The Govt.Pleader, Sr 23845

KR/20/4/16

W.P.No.13903 of 2016

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