

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13947 of 2016

G.Baskaran

... Petitioner

vs.

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Tahsildar,  
Thirukazhukundram Taluk,  
Thirukazhukundram.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to transfer the patta No.294 to the petitioner's name considering the documents furnished by the petitioner and based on his representation dated 9.3.2016.

For Petitioner : Mr.M.Selvam

For Respondents : Mrs.M.E.Rani Selvam,  
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 transfer the patta No.294 in his name considering the documents furnished by the him and based on his representation dated 9.3.2016.

3. It is the case of the petitioner that originally his grand father Raji Nadu was in possession and enjoyment of the land in Survey No.52/3 of No.63, Perumbedu Village, measuring to an extent of Acres 0.15 cents. The respondents had also issued patta No.294 in favour of his grand father. His grand father died on 2.10.1959 leaving behind him, his only son Gopal Naidu. Being the only legal heir of the said Raji Naidu, Gopal Naidu inherited the said property. However, during his life time, the said Gopal Naidu did not take any steps to effect mutation of

revenue records in his name and the same continues in the name of Raji Naidu. The said Gopal Naidu died on 29.9.1988 leaving behind him, his wife Thilagam, daughter Ramani, sons Selvam and the petitioner herein as his legal heirs to inherit his estate. Thereafter, the petitioner's mother, sister and brother Selvam executed a release deed in favour of the petitioner vide document No.1840/2015 dated 25.3.2015 by releasing their respective shares in his favour. Now, the petitioner is the absolute owner of the said property. Hence, he gave a representation dated 9.3.2016 to the respondents seeking transfer of patta in his name, by enclosing all the required documents. But, so far, the respondents have not taken any action on the said 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 second respondent to consider the representation of the petitioner dated 9.3.2016 seeking to transfer the patta No.294 in his name and pass appropriate orders / take appropriate 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 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 with regard to the merits of the claim projected by the petitioner and it is for the second 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.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Tahsildar,  
Thirukazhukundram Taluk,  
Thirukazhukundram.

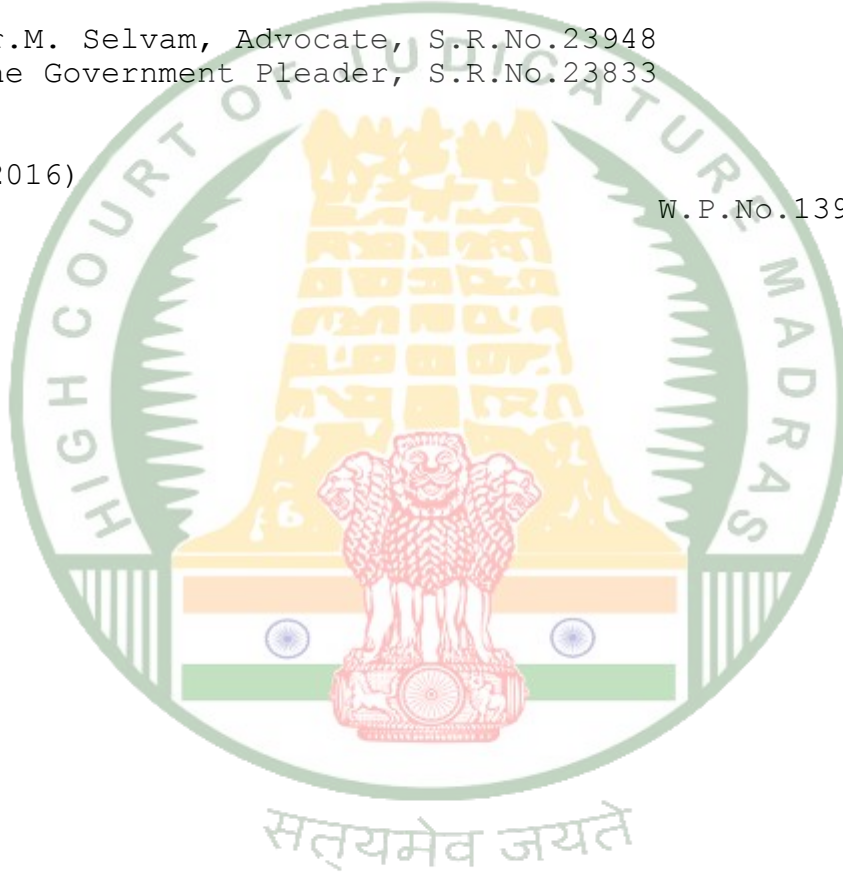
+lcc to Mr.M. Selvam, Advocate, S.R.No.23948

+lcc to the Government Pleader, S.R.No.23833

EV(CO)

EU(19/05/2016)

W.P.No.13947 of 2016



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