

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14086 of 2016

T.Vinayagam

... Petitioner

vs.

The Tahsildar,
Arakkonam Taluk,
Vellore District.

.... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pass orders on the petitioner's application dated 3.8.2015 seeking for sub-division and transfer of patta in respect of the petitioner's property bearing Plot No.83 and Plot No.21 comprised in S.No.524/3C and S.No.524/3A, 3B respectively, situated in Green Park Avenue, Vadamambakkam Village, Arakkonam Taluk, in the light of the judgment of this Court dated 26.11.2001 made in A.S.No.108 of 1991.

For Petitioner :	Mr.G.Jeremiah
For Respondent :	Mr.S.Pattabiraman, Govt. Advocate.

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 respondent to pass orders on his application dated 3.8.2015 seeking sub-division and transfer of patta in respect of his property bearing Plot No.83 and Plot No.21 comprised in S.No.524/3C and S.No.524/3A, 3B respectively, situated in Green Park Avenue, Vadamambakkam Village, Arakkonam Taluk, in the light of the judgment of this Court dated 26.11.2001 made in A.S.No.108 of 1991.

3. Though very many contentions have been raised in this writ petition, at the time of admission, learned counsel appearing for the petitioner submitted that the petitioner is

the owner of the vacant land bearing Plot No.83 measuring to an extent of 1500 sq.ft. in S.No.524/3C and Plot No.21 measuring to an extent of 1800 sq.ft in S.No.524/3A, 3B, situated in Green Park Avenue, Vadamambakkam Village, Arakkonam Taluk, having purchased the same under a registered sale deed bearing document No.10528 of 2010 dated 10.12.2010 and document No.229 of 2011 dated 14.1.2011 respectively. After purchase, on several occasions, the petitioner approached the respondent for sub division of his plot and for issuance of separate patta. Since the same was not considered, finally, he made an application dated 3.8.2015 to the respondent seeking for sub division and for issuance of patta. On receipt of the same, the respondent advised the petitioner to appear before him on 28.8.2015. On 28.8.2015, when the petitioner appeared before the respondent, he intimated that unless the court order is furnished as produced by the similarly placed persons, his application cannot be considered. 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 Government Advocate, who has taken notice on behalf of the respondent.

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, along with a copy of this order, by enclosing the necessary documents to the respondent within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondent is directed to consider the said representation 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 six 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 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

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Tahsildar,
Arakkonam Taluk,
Vellore District.

+ 1 cc to M/s.G.Jermiah, Advocate, SR 23802

+ 1 cc to Govt.Pleader, High Court, Madras SR 23892

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