

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14533 of 2016

Kannan

... Petitioner

vs.

The Tahsildar,
Ambattur Taluk,
Ambattur,
Thiruvallur 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 consider the petitioner's representation dated 17.3.2016.

For Petitioner : Mr.C.V.Kumar
For Respondent : Mr.V.Jayaprakash Narayanan,
Spl. 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 respondent to consider his representation dated 17.3.2016.

3. The case of the petitioner, in brief, is as follows:-

(a) By virtue of the order of the Special Tahsildar (Land hading over), Saidapet, Chennai in C/23/73B dated 15.5.1987 (H.S.No.14341/83), the petitioner was allotted Plot No.1, measuring to an extent of 5 ½ cents or 2400 sq.ft. in Survey No.253/1, situated at No.58, Padi Village, within the Sub Registration District of Villivakkam and the Registration District of Chennai. Similarly, on the basis of the another order in C/23/73b dated 15.5.1987 (H.S.No.14342/82), plot No.2 measuring to an extent of 5 ½ cents of 2400 sq.ft. was allotted to one Dhansing. From the said Dhansing, the petitioner

purchased the said property on 8.12.1998 and from the date of purchase, he is in the absolute possession and enjoyment of the same.

(b) Similarly, on the basis of the another order No.C/23/73B dated 15.5.1987 (H.S.No.14344), plot No.4 measuring to an extent of 5 ½ cents or 2400 sq.ft. was allotted to one Kuttiraj and the petitioner purchased the same from the said Kuttiraj on 5.6.1996 and from the said date, he is in possession and enjoyment of the same. Similarly, on the basis of the another order No.C/23/73B dated 15.5.1987 (H.S. No.14345/83), plot No.5 measuring to an extent of 5 ½ cents or 2400 sq.ft. was allotted to one Uma and the petitioner purchased the same from the said Uma on 18.2.1993 and from the said date, he is in possession and enjoyment of the same.

(c) Similarly, on the basis of the another order No.C/23/73B dated 15.5.1987 (H.S. No.14346/82), plot No.6 measuring to an extent of 5 ½ cents or 2400 sq.ft. was allotted to one Renganathan and the petitioner purchased the same from the said Renganathan on 18.2.1993 and from the said date, he is in possession and enjoyment of the same.

(d) Thereafter, Plot Nos.1, 2 and 3 were settled in favour of the petitioner's wife Jansirani by way of settlement deed vide document Nos.4449/2011, 448/2011 and 4445/2011 on the file of Sub Registrar, Villivakkam. For the said properties, the Head Quarter Tahsildar, Ambattur issued land survey register R.P.T.No.3313/1422 dated 12.3.2013 in the name of his wife.

(e) Thereafter, Plot Nos.4, 5 and 6 were settled in favour of the petitioner's daughter Sumathi by way of registered settlement deed vide document Nos.4447/2011, 4450/2011 and 4446/2011 on the file of Sub Registrar, Villivakkam. For the said properties, the Head Quarter Tahsildar, Ambattur issued land survey register R.P.T.No.3314/1422 dated 12.3.2014 in the name of his daughter.

(f) Thereafter, again on 7.5.2013, the petitioner's wife settled Plot Nos.1, 2 and 3 in his favour by way of registered settlement deed vide document Nos.2774/2013, 2775/2013 and 2776/2013 on the file of Sub Registrar, Villivakkam. Similarly, on 7.5.2013, the petitioner's daughter settled Plot Nos.4, 5 and 6 in his favour by way of registered settlement deed vide document Nos.2777/2013, 2778/2013 and 2779/2013 on the file of Sub Registrar, Villivakkam. Thus, as on date, the petitioner is in absolute owner of plot Nos.1 to 6. Hence, the petitioner sent a representation dated 17.3.2016 to the respondent herein seeking to transfer the Town Survey Register in respect of Plot Nos.1 to 6 in his name. But, till date, the respondent has not taken any action 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 Special Government Pleader, 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 respondent to consider the representation of the petitioner dated 17.3.2016 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 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 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(CO)

True Copy

Sub-Assistant Registrar

To

The Tahsildar,
Ambattur Taluk,
Ambattur, Thiruvallur District.

+ 1 cc to Govt.Pleader SR 24542

+ 1 cc to Mr.C.V.Kumar, Advocate SR 24365

lrs(co)
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