

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.14762 and 14763 of 2016

1 S.Karunakaran ... Petitioner in W.P.14762/2016
1 M.Selvaraj ... Petitioner in W.P.14763/2016

Vs.

1 The Tahsildar
Tirukazhukundram Taluk
Kanchipuram District ... Respondent in both W.Ps.

PRAYER in W.P.No.14762/2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to consider and pass orders on the petitioner's application dated 24.06.2015 seeking to conduct survey and effect sub division and transfer patta to the petitioner's name for the land having an extent of 0.07 cents and 0.15 cents totally having an extent of 0.22 cents comprised in S.No.44/1B situated at Aamaipakkam Village, Tirukazhukundram Taluk, Kanchipuram District.

PRAYER in W.P.No.14763/2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to consider and pass orders on the petitioner's application dated 24.06.2015 seeking to conduct survey and effect sub division and transfer patta to the petitioner's name for the land having an extent of 0.17 1/2 cents comprised in S.No.44/1B situated at Aamaipakkam Village, Tirukazhukundram Taluk, Kanchipuram District.

For Petitioner
in both W.Ps. : Mr.B.Nambiselvan
For Respondent
in both W.Ps. : Mrs.P.Rajalakshmi
Government Advocate

COMMON ORDER

The prayer in the writ petitions is to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioners' applications dated 24.06.2015 seeking to

conduct survey and effect sub division and transfer patta to their name for the lands having an extent of 0.07 cents and 0.15 cents, totally having an extent of 0.22 cents (in respect of petitioner in W.P.No.14762 of 2016) and 0.17- 1/2 cents (in respect of petitioner in W.P.No.14763 of 2016) comprised in S.No.44/1B situated at Aamaipakkam Village, Tirukazhukundram Taluk, Kanchipuram District.

(2.1) The petitioner Mr.S.Karunakaran is the registered owner of vacant land having an extent of 0.07 cents and 0.15 cents, totally having an extent of 0.22 cents, comprised in S.No.44/1B situated at Aamaipakkam Village, Tirukazhukundram Taluk, Kanchipuram District. He acquired the said land under a registered sale deed dated 2.4.2007 bearing Document No.2855 of 2007 on the file of the Sub Registrar Office, Tirukazhukundram from one Chandrasekar.

(2.2) Likewise, the petitioner Mr.M.Selvaraj is the registered owner of vacant land having an extent of 0.17-1/2 cents, comprised in S.No.44/1B situated at Aamaipakkam Village, Tirukazhukundram Taluk, Kanchipuram District. He acquired the said land under a registered sale deed dated 18.2.2010 bearing Document No.670 of 2010 on the file of the Sub Registrar Office, Tirukazhukundram from one Chandrasekar.

(2.3) Both the petitioners submitted an individual application dated 24.6.2015 to the respondent to conduct survey of the above lands and effect sub division to transfer patta to their name. Thereafter, the petitioners remitted the necessary fee of Rs.40/- on 15.4.2016 for conducting survey and issuing patta. But, the same was not considered. Failure on the part of the respondent to perform the statutory function has caused undue hardship to the petitioners. Having no other alternative, the petitioners have come up with these writ petitions for the aforesaid prayer.

3. Heard the learned counsel for the petitioners and Mrs.P.Rajalakshmi, Government Advocate, appearing on behalf of the respondent.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to consider the applications of the petitioners dated 24.6.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners as well as to the

necessary parties, if any, 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 petitioners and it is for the respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1 The Tahsildar,
Tirukazhukundram Taluk ,
Kanchipuram District.

+2cc to M/S.B.Nambiselvan, Advocate, S.R.No.24653,24654

+1cc to the Government Pleader, S.R.No.24973

W.P.Nos.14762
and 14763 of 2016

ak(CO)
srg(26/04/2016)

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