

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14810 of 2016

S.Mohan

... Petitioner

vs.

1.The District Collector,
Tiruppur District.

2.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

3.The Tahsildar,
Avinashi Taluk,
Tiruppur District.

4.A.Kanakaraj

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider and pass appropriate orders on the representation dated 4.6.2014 made by the petitioner herein for issuance of patta in S.No.333/1 in Avinashi Village, Tiruppur District to the extent of 1144 sq.ft. within stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1 to R.3

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider and pass appropriate orders on his representation dated 4.6.2014 for issuance of patta in S.No.333/1 in Avinashi Village, Tiruppur District, measuring to an extent of 1144 sq.ft. within stipulated time period as may be fixed by this Court.

2. It is the case of the petitioner that originally, one Avinashiappa Achari and his sons A.Dhandapani, A.Kanakaraj and A.Gopal were the joint owners of the land measuring to an extent of 1144 sq.ft. in S.No.333/1, EVR Street, Ranganathapuram, Avinashi, Tiruppur District. The said A.Dhandapani mortgaged the said property for a sum of Rs.25,000/- on 15.12.1986 by agreeing to repay the amount with interest at 12% per annum. Since the said amount was not repaid, a suit of filed in O.S.No.303 of 1988 before the Subordinate Court, Tiruppur and the same was decreed in favour of the petitioner and execution petition was also filed for auction of the said property. Since the petitioner could not fetch the buyer in the Court auction, he filed an application seeking permission to participate in the auction and permission was also granted to him. Thereafter, in the auction conducted on 20.7.1994, the petitioner successfully purchased the said property and necessary sale certificate was also issued in his favour by the concerned Court. Thereafter, he filed an application in E.A.No.31 of 2004 in E.P.No.166 of 1993 for delivery of possession which was ordered on 30.12.2004. From the date of handing over the physical possession, the petitioner has been in possession and enjoyment of the said property. Subsequently, he made several representations to the respondents for transfer of patta in his name. But, they have not considered the said representation. Finally, the petitioner made a representation dated 4.6.2014 to the third respondent for issuance of patta in S.No.333/1 in Avinashi Village, Tiruppur District, measuring to an extent of 1144 sq.ft. But, the same was also not considered by the respondents. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 to 3.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to conduct an enquiry on the representation of the petitioner dated 4.6.2014, by affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent and the necessary parties, if any, and pass appropriate orders / take appropriate action, on merits and in accordance with law, 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 merits of the claim projected by the petitioner and it is for the third

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.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Collector,
Tiruppur District.

2.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

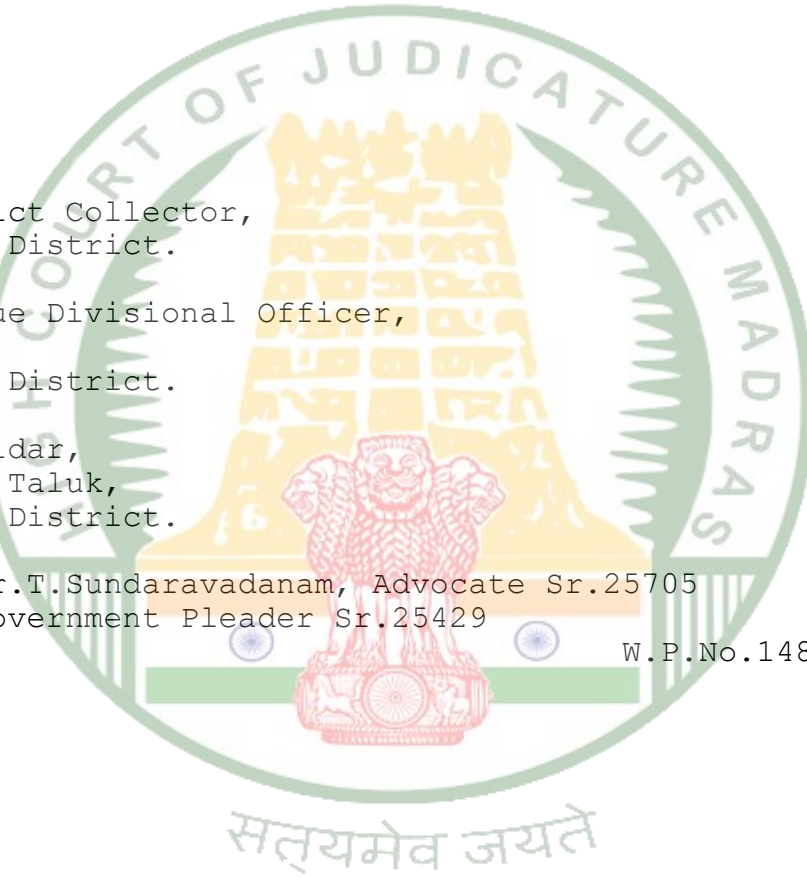
3.The Tahsildar,
Avinashi Taluk,
Tiruppur District.

+ 1 cc to Mr.T.Sundaravadanam, Advocate Sr.25705

+ 1 cc to Government Pleader Sr.25429

W.P.No.14810 of 2016

RSY(CO)
EU 31.05.16



WEB COPY