

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.15283 of 2016

and

WMP.No.13335 of 2016

1. Dr. M.S.Ramachandran
2. M.S.Srinivasan
3. M.S.Rajasekhar .. Petitioners

Vs.

1. The District Collector,
Kancheepuram,
Kancheepuram District.
2. The Tahsildar,
Chengalpet Taluk,
Chengalpet. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 06.01.2014, 18.01.2014 and 13.03.2014 and consequently direct the respondents to issue patta in favour of the petitioner for lands measuring an extent of 99 cents in S.No.232/1A1 in Manampatti village, Chenglepet Taluk, Kancheepuram District.

For Petitioner : Mr.R.Muthukumaraswamy,
for Mr.A.Jenasenan

For Respondents : Mrs. P.Rajalakshmi,
Government Advocate

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O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioners have come forward with the present Writ of Mandamus directing the respondents to consider the petitioner's representations dated 06.01.2014, 18.01.2014 and 13.03.2014 and consequently direct the respondents to issue patta in favour of the petitioner for lands measuring an extent of 99 cents in S.No.232/1A1 in Manampatti village, Chenglepet Taluk, Kancheepuram District.

3. Originally the petitioners family had several properties in their name situated at Manampatti village, Chenglepet Taluk. In the year 1948, a registered partition deed was executed between the family members, whereby the lands in S.No.232/1A1, measuring to an extent of 99 cents were allotted in favour of the petitioners' grandfather late Mr.Chandrasekara Mudaliar. Subsequently, after the demise of Mr.Chandrasekara Mudaliar, the property was inherited by the petitioners' father Mr.M.M.Subbaraya Mudaliar. In 1954, M.M.Subbaraya Mudaliar has executed a partition deed, whereby the petitioners along with Subbaraya Mudaliar, their father, were assigned as joint owners of the above mentioned lands in S.No.232/1A1. The said lands have been classified as Natham and in both the documents of the year 1948 and 1954 in S.No.232/1A1, it is mentioned as "House Site". After the demise of the petitioners' father Subbaraya Mudaliar in 1976, his share was inherited by the petitioners as his sole legal heirs and they have been in possession and enjoyment of the said property.

4. As early as 1988, Government orders have been issued to subdivide the lands in natham area and to issue pattas in respect of the occupants, who have established their right of ownership. As the respondents have not issued patta to the petitioners, the petitioners have made several representations dated 16.01.2014, 18.01.2014 and 13.03.2014. But, till date, no action has been taken on the same. Hence, they have come forward with the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

6. Considering the facts and circumstances, the petitioners are directed to give a fresh representation along with a copy of this order to the first respondent within a period of two weeks, from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the same and pass appropriate order on merits and in accordance with law, with regard to the issuance of the patta in favour of the petitioners for the land in S.No.232/1A1, Manampatti Village, Chengalpet Taluk, Kancheepuram District, within a period of eight weeks thereon, after affording opportunity of personal hearing to the petitioners as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioners. It is for the first respondent to decide the issue purely on merits.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector,
Kancheepuram,
Kancheepuram District.

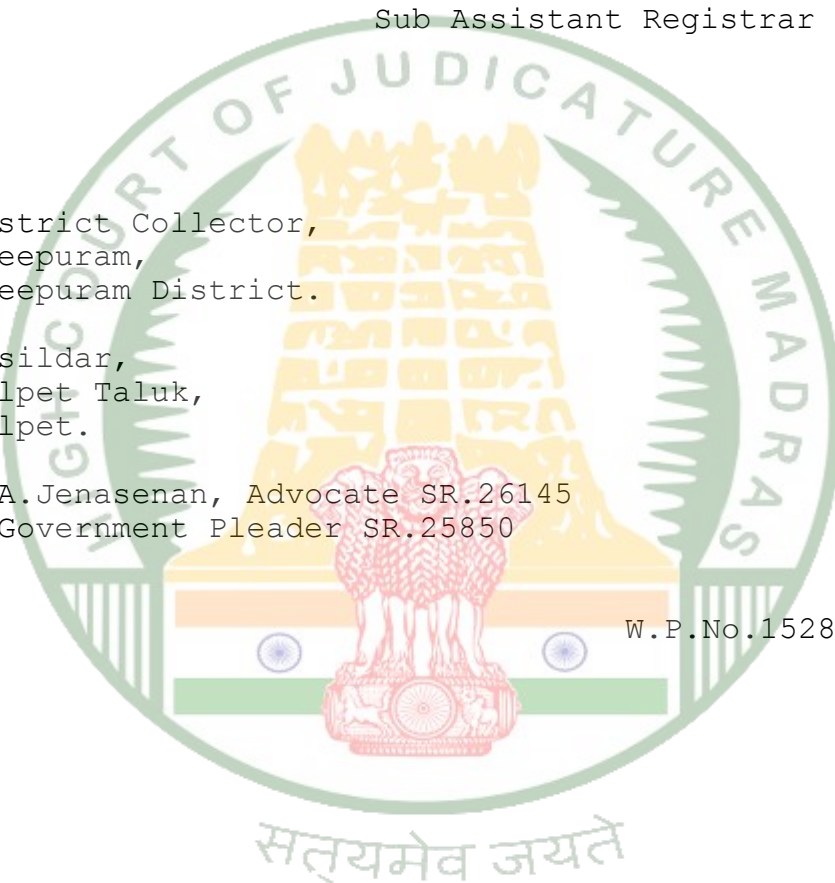
2. The Tahsildar,
Chengalpet Taluk,
Chengalpet.

+ 1 cc to A.Jenasenan, Advocate SR.26145

+ 1 cc to Government Pleader SR.25850

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