

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15384 of 2016

K. Sampath

... Petitioner

Vs.

1. The District Collector,
Thiruppur District,
Thiruppur.
2. District Revenue Officer,
Thiruppur District,
Thiruppur.
3. Revenue Divisional Officer,
Thiruppur District,
Thiruppur.
4. Tahsildar,
Thiruppur Circle,
Thiruppur District,
Thiruppur

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to consider and dispose of the petitioner's representation dated 18.3.2016 on merits and in accordance with law within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.K.S. Karthik Raja

For Respondents : Mrs.M.E.Raniselvam
Addl. Govt. Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking for issuance of Mandamus upon the fourth respondent to consider and dispose of the petitioner's representation dated 18.3.2016 on merits and in accordance with law within a reasonable time frame as fixed by this Court

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, originally the property measuring an extent of 2128 sq.ft, and a tiled house therein, situate at Old T.S.No.335/8/2, New T.S.No.335/6/2, Thottipalayam Village, Poompuhar Nagar, Harvey Road, Old Block No.8, New Block No.6, Old Ward No.2, New Ward No.20, Thiruppur Circle, Thiruppur District belonged to petitioner's father late C.M.Krishnan. He is the absolute owner of the property and he was in possession and enjoyment of the same for several decades and the same has been confirmed by the judgment and decree made in O.S.No.660 of 1985 on the file of learned District Munsif Court, Thiruppur.

4. The petitioner's father C.M.Krishnan died on 2.5.1987 and her mother also died on 5.1.2011. After the demise of his parents, the said property was enjoyed by the petitioner and his sisters viz., Thamaraiselvi and Valarmathi without any hindrance.

5. Whiles, on 24.1.2015, petitioner's sisters have executed a release deed in favour of the petitioner relinquishing their 2/3 share over the property and a release deed was also executed and registered as Document No. 4015 of 2015 and from the date of the release deed, the petitioner is in exclusive possession and enjoyment over the above said property.

6. Subsequently, the petitioner approached the 4th respondent for grant of individual patta in his name in order to carryout mutations in the revenue records and he has also made a written representation on 18.3.2016 to the respondents 1 to 4 herein to consider his case seeking individual patta. Despite the same, the respondents have failed to consider his representation and the same has been kept pending till date without initiating any action thereupon.

7. Considering the submissions made by the learned counsel for petitioner, this Court, in the interest of justice, is of the view that the representation given by the petitioner is still pending as on date. Therefore, without going into the merits of the case, this Court directs the 4th respondent viz., the Tahsildar, Thiruppur Circle, Thiruppur District, Thiruppur, to consider the representation of the petitioner dated 18.3.2016, by conducting an enquiry after affording an opportunity of personal hearing to the petitioner as well as to necessary parties, if any and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order .

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Collector,
Thiruppur District, Thiruppur.
2. District Revenue Officer,
Thiruppur District, Thiruppur.
3. Revenue Divisional Officer,
Thiruppur District, Thiruppur.
4. Tahsildar,
Thiruppur Circle,
Thiruppur District, Thiruppur

+1cc to Mr.K.S. Karthik Raja, Advocate, S.R.No.25799

+1cc to the Government Pleader, S.R.No.26655

KGK(CO)
EU(08/06/2016)

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