

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15394 of 2016

V.Parasuraman

..Petitioner

Vs.

1 The District Collector,
Thiruvallur District,
Thiruvallur.

2 The Thasildar,
Pallipet Taluk Office,
Thiruvallur District.

3 S.Singara Mudaliar,
S/o.Srinivasa Mudaliar,
Bazhar Street East, (Near Bus Stand)
Ammiyar Kuppam, Pallipet Taluk,
Thiruvallur District.

..Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 16.11.2010 in respect of Survey No.102/2 measuring an extent of 0.34 cents for issuing of Patta in favour of the petitioner.

For Petitioner : Mr.C.Chokkalingam

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final hearing at the stage of admission itself.

2. The petitioner has come forward with this Writ Petition seeking for issuance of Mandamus upon the second respondent to consider the petitioner's representation dated 16.11.2010 in

respect of Survey No.102/2 measuring an extent of 0.34 cents for issuing of patta in favour of the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

4. According to the petitioner, the petitioner purchased properties in various survey numbers including survey No.102/2 measuring 0.34 cents situate in Thiyagapuram Village and Post, Ammiyarkuppam via Pallipet Taluk, Thiruvallur District (in revenue records called as Kathana Nagaram Village) from one Nagappa Naicker on 4.5.1994 and right from his purchase, the petitioner is in peaceful possession of the property. The petitioner has also obtained patta for the purchased properties including property in Survey No.102/2.

5. It is the case of the petitioner that due to negligence of the 2nd respondent, the property in respect of Survey No.102/2 has been wrongly entered in the name of 3rd respondent. So, he applied to the 2nd respondent for change of name in patta in respect of the said survey number on 29.7.2009. Since no action has been initiated by the 2nd respondent, he sent another application on 6.10.2010 under Right to Information Act seeking information about the action taken by the 2nd respondent on the petitioner's application dated 29.7.2009. As the petitioner was informed by the 2nd respondent to make fresh application, since the earlier application got misplaced, the petitioner again made a representation before the 2nd respondent on 16.11.2010 seeking change of name in patta in respect of the above said survey number. As no action has been initiated, again he submitted a reminder to the 2nd respondent on 18.5.2012 requesting to issue patta in favour of him. Due to the inaction of the 2nd respondent, the petitioner sent a representation dated 19.2.2013 followed by a reminder dated 8.1.2016 to the 1st respondent asking his intervention to issue patta in favour of him. Despite the same, since no action was taken by the 1st respondent, left with no other alternative, the petitioner has filed the present writ petition.

6. It is the grievance of the petitioner that though the petitioner made representation before the 2nd respondent requesting for change of name in patta, followed by a reminder, the same has not been considered so far.

7. Considering the submissions made by the learned counsel for petitioner, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the 2nd respondent seeking for issuance of patta in the name of petitioner in respect of Survey No.102/2, along with a copy

of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 2nd respondent is directed to conduct enquiry by affording an opportunity of personal hearing to the petitioner as well as to the 3rd respondent and pass appropriate orders on merits and in accordance with law within a period of twelve 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.

msr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1 The District Collector,
Thiruvallur District,
Thiruvallur.

2 The Thasildar,
Pallipet Taluk Office,
Thiruvallur District.

+ 1 cc to Mr.C.Chokkalingam, Advocate Sr 26704

+ 1 cc to The Govt.Pleader, Sr 26323

KR/8/6/16

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