

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15500 of 2016

P. Sivabakkiyam

... Petitioner

Vs.

1. The District Collector,
Namakkal District.

2. The Tahsildar,
Rasipuram,
Namakkal District

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 17.3.2016 to issue patta to the petitioner with respect to the land in Natham Survey No.461/25 (Old Survey No.461/25) of Pattanam Village, Rasipuram Taluk, Namakkal District within the time fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.V.Jayaprakash Narayanan
Spl. Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has come forward with this Writ Petition seeking for issuance of Mandamus upon the respondents to consider the representation of the petitioner dated 17.3.2016 to issue patta to the petitioner with respect to the land in Natham Survey No.461/25 (Old Survey No.461/25) of Pattanam Village, Rasipuram Taluk, Namakkal District within the time fixed by this Court.

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

3. According to the petitioner, the petitioner has been residing in Natham Survey No.461/15, which was subsequently sub divided as S.No.461/25 to the extent of 800 Sq.ft. (2 cents) in Pattanam Village, Rasipuram Taluk, Namakkal District for more than 24 years and she has been in peaceful possession and enjoyment of the same and she has got electricity service connection for the said house and has also been regularly paying necessary charges.

4. Whiles, one Balasubramaniam has fraudulently created a patta in respect of the said land and claiming title to the said property. Hence the petitioner filed a civil suit in O.S.No.122 of 2010 before the learned District Munsif Court, Rasipuram and the same was decreed on 29.8.2012 and so far, no appeal has been filed against the said judgment.

5. In the circumstances, the petitioner has made several representations to the respondents seeking for issuance of patta, but the respondents did not consider the same. The petitioner made her last representation on 17.3.2016 to the respondents requesting them to issue patta with regard to the above said property and on that basis, the 1st respondent, vide his proceedings dated 21.3.2016 made in Na.Ka.No.7935/2016/L1 has stated that he has already directed the 2nd respondent viz., the District Collector, Namakkal District to conduct enquiry in respect of issuance of patta and pass appropriate orders on merits and in that regard, he further directed the 2nd respondent to communicate the action taken report in respect of the enquiry conducted by him.

6. It is the grievance of the petitioner that inspite of 1st respondent's direction, the 2nd respondent did not pass any orders so far. Hence the petitioner has filed the present writ petition.

7. This Court, without going into the merits of the case, directs the petitioner to give a copy of representation dated 17.3.2016 to the 1st respondent 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 consider the same by conducting enquiry after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties if any, and pass appropriate orders in respect of issuance of patta with regard to the land in Natham Survey No.461/15, (Old S.No.461/25) of Patanam Village, Rasipuram Taluk, Namakkal District, on merits and in accordance with law, within a period of twelve weeks thereafter.

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

msr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

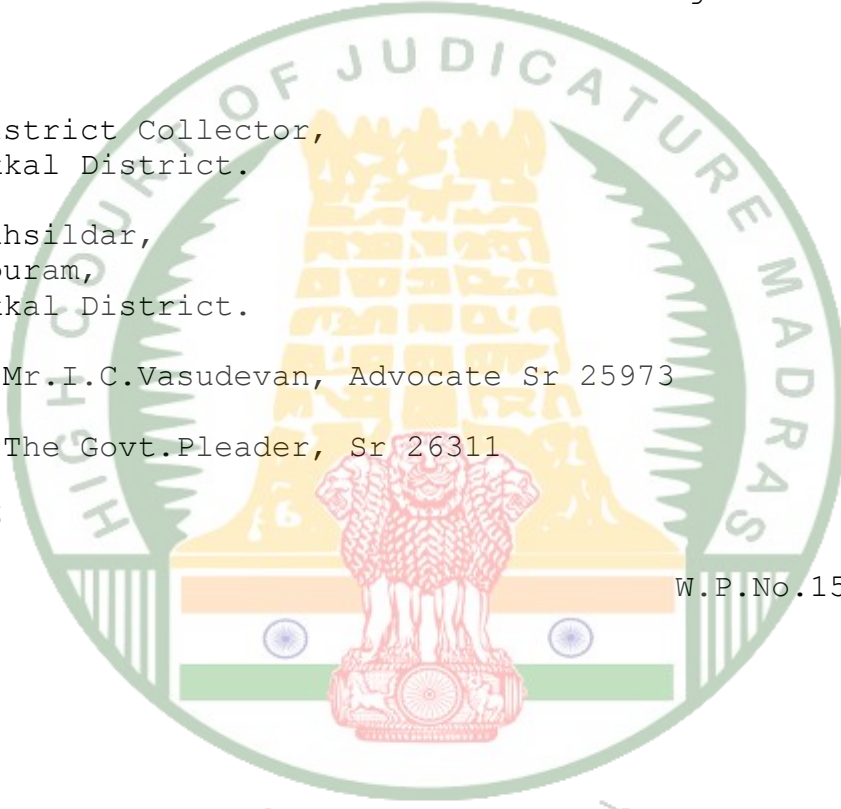
1. The District Collector,
Namakkal District.
2. The Tahsildar,
Rasipuram,
Namakkal District.

+ 1 cc to Mr.I.C.Vasudevan, Advocate Sr 25973

+ 1 cc to The Govt.Pleader, Sr 26311

KR/10/6/16

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