

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15624 of 2016

V.T. Natarajan

[Petitioner]

Vs

- 1 Government of Tami Nadu,
Rep by secretary to Government,
Revenue Department,
Secretariat, Chennai 600 009.
- 2 The District Collector,
Vellore District, Vellore.
- 3 The Sub Collector
Thirupathur Vellore District
- 4 The Tahsildar,
Tirupathur, Vellore District.

[Respondents]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to directing the 4th Respondent herein to consider the claim of the Petitioner for grant of pattas in his name in respected of landed property of 2 Acres 4 Cents in Survey No.68/1 Visamangalam Village Tiruppathur Taluk Vellore District in the light of the petitioners representations dated 16/05/2012 and 19/12/2013 and Ref.O.Mu.No.D3/ 31308/ 2013 dated 10/02/2014 of the Second Respondent and Na.Ka.No.A3/ 724/ 2013 dated 06/06/2013 of the 3rd Respondent and issue pattas within a time frame.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.M.Dig Vijay Pandian, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the 4th respondent herein to consider his claim for grant of pattas in his name in respect of landed property of 2 Acres 4 Cents in Survey No.68/1,

Visamangalam Village, Tiruppathur Taluk , Vellore District, in the light of his representations dated 16/05/2012 and 19/12/2013 and Ref.O.Mu.No.D3/31308/2013 dated 10/02/2014 of the 2nd Respondent and Na.Ka.No.A3/ 724/ 2013 dated 06/06/2013 of the 3rd respondent and issue pattas within a time frame.

2. It is the case of the petitioner that his father, Theerthagiri Chetty, had purchased Punja land of an extent of 3.68 acres in Survey No.68, Visamangalam Village, Tirupathur Taluk, Vellore District, by a sale deed dated 06.01.1947 and thereafter, he was in possession and enjoyment of the same till his death. Thereafter, the petitioner had inherited the said property and had been enjoying the same. It is the further case of the petitioner that during the life time of his father, 2.04 acres of land out of 3.68 acres was acquired under Land Acquisition Act, for Visamangalam Village Co-operative House Building Society. According to the petitioner, since the land was not used for the purpose for which it was acquired, a representation was made by the petitioner's father for redelivery of the land. In the meantime, the Government had declared the said Society as defunct. Hence, the said land was classified in Village accounts as "assessed waster dry" and the Government intended to deliver possession of the property to the petitioner. The Tahsildar, Thiurpattur, by his letter dated 11.12.1981, recommended to the Sub Collector, Tirupattur to regrant the said property to the original owner as per Board Standing Orders 90(32). But the property was not given to the petitioner. In the meanwhile, since the petitioner's father died, the petitioner and his younger brother filed O.S.No.1303 of 1985 on the file of the District Munsif Court, Tirupattur for declaring that they are entitled for re-grant of the said property. The said suit was decreed on 03.04.1986. Thereafter, the petitioner took possession of the property through Court on 16.08.1990. Out of the said 2.04 acres, the petitioner's paternal uncle Veerappacheetiyar is entitled for half share and for the remaining 1.02 acres, the petitioner, his mother and younger brother are entitled for equal shares and pattas have to be issued accordingly. Though the petitioner has been making repeated representations to the authorities, there is no response. In this regard, a representation dated 16.05.2012 was made to the 1st respondent, another representation dated 19.12.2013 was made to the 2nd respondent. Thereafter, on 24.04.2015, a representation was made both to the 2nd respondent as well as to the 4th respondent. Since there is no response, now, the petitioner has approached this Court by filing this writ petition for the above stated relief.

3. Heard Mr.V.Thirupathi, learned counsel for the petitioner and Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the 4th respondent to consider the representation of the petitioner dated 24.04.2015 and pass appropriate orders by conducting enquiry. and after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the 4th respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Government,
Revenue Department,
Secretariat, Chennai 600 009.
- 2 The District Collector,
Vellore District, Vellore.
- 3 The Sub Collector,
Thirupathur, Vellore District.
- 4 The Tahsildar,
Tirupathur, Vellore District.

+1cc to Mr.V.Thirupathi, Advocate sr.26133

+1cc to the Government Pleader Sr.26345

W.P.No.15624 of 2016

sv(CO)
srg(27/05/2016)