

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

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THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.P.No.2001 of 2016 &
W.M.P.No.1742 of 2016

1. C.R. Vasudevan
2. C.R. Thanikachalam
3. V.Ravichandran [Petitioners]
Vs

1. The District Collector,
Collectorate of Tiruvallur,
Tiruvallur Distrit,
Pincode 602 001.
2. District Revenue Officer,
Collectorate of Tiruvallur,
Tiruvallur District,
Pincode 602 001.
3. The Revenue Divisional Officer,
Ponneri Taluk Office,
Ponneri,
Tiruvallur District.
4. The Tahsildar,
Ponneri Taluk Office,
Ponneri, Thiruvallur District [Respondents]

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 11.12.2003 and pass order on the same on merits for issue of patta to the petition schedule property.

For Petitioners .. Mr.R. Udayakumar
For Respondents .. Mr.P.Sanjay Gandhi
Addl. Govt. Pleader

ORDER

The petitioner has come forward with this Writ Petition seeking for a mandamus upon the respondents to consider the representation of the petitioner dated 11.12.2013 for issuance of patta to the petition schedule property .

2. Heard Mr.R.Udayakumar, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, Additional Government Pleader, appearing for the respondents and perused the materials.

3. It is the case of the petitioner that originally the lands comprised in S.No.22, New Survey No.55/2, Periyagavannam Village, Tiruvallur District, admeasuring 5 acre 4 cents was purchased by one Rajakannu Mudaliar, who is the father of petitioners 1 and 2 and grand father of 3rd petitioner herein. The said Rajakannu Mudaliar cultivated the said lands for several decades. During the life time of said Rajakannu Mudaliar, a partition was effected amongst Rajakannu Mudaliar and his sons viz., C.R.Villvanatha Mudalir (father of 3rd petitioner) 2. C.R.Vasudevan, 1st petitioner herein and 3. C.R. Thanikachalam, 2nd petitioner herein on 21.3.1987 through the registered deed of partition. After the demise of C.R.Vilvanatha Mudaliar, the 3rd petitioner succeeded to his share as the only son. Now the subject property was under the continuous possession, enjoyment and cultivation of the petitioners herein. Substantiating all the facts, the 1st and 2nd petitioner's father and 3rd petitioner's grand father Rajakannu Mudaliar gave a representation on 6.7.1972 and the petitioners, later, on 23.9.1991, gave another representation to the 4th respondent. On 21.3.1994, an enquiry report was sent by Assistant Settlement Officer, Thiruvannamalai to the 3rd respondent stating that the subject lands were in continuous possession of the petitioners' predecessor for more than five decades and the said lands have been assessed as waste dry land and there is no objection on the settlement point of view for the grant of Ryotwari Patta. It is the further case of the petitioners that after taking legal advice, they again submitted a representation and after sending the representation, a typographical error was noticed in the representation and by way of an errata it was rectified. Again on 11.12.2013, they made a representation to the Tahsildar, the 4th respondent herein stating that the petitioners, after effecting partition in 1987 have been in continuous possession and cultivation of the subject lands and till date, they have been paying necessary tax to the Government and on 28.3.1994, the Assistant Settlement Officer, after enquiry has also recommended for patta and thereby requested for issuance of patta. Since the said representation was kept pending without any proper explanation, the petitioners are before this court with this Writ Petition.

4. The property in question was purchased through an auction by the predecessor of the petitioners. Thereafter, for issuance of patta, various representations have been given. After the petitioner possesses the property, they also submitted

a representation on 11.12.2013 followed by various reminders and finally by a lawyer's notice on 6.8.2014. But none of those representations were considered till date.

5. Learned counsel for the petitioners brought to the notice of this Court that the communication of the Assistant Settlement Officer dated 21.3.1994 was issued in favour of the predecessor of the petitioners, on which basis, the prayer for issuance of patta was made by their representations. Hence the learned counsel seeks appropriate direction for early consideration of the request of the petitioner for issuance of patta.

6. Considering the facts and circumstances of the case, this court, in the interest of justice, directs the 4th respondent to consider the representation of the petitioner dated 11.12.2013 along with the report submitted by the Assistant Settlement Officer dated 21.3.1994 and pass appropriate orders on merits and in accordance with law after issuing notice to the petitioners as well as to any of the interested parties. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected M.P.No.1742 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

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Sub Assistant Registrar

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To

1. The District Collector,
Collectorate of Tiruvallur,
Tiruvallur Distrit,
Pincode 602 001.

2. District Revenue Officer,
Collectorate of Tiruvallur,
Tiruvallur District,
Pincode 602 001.

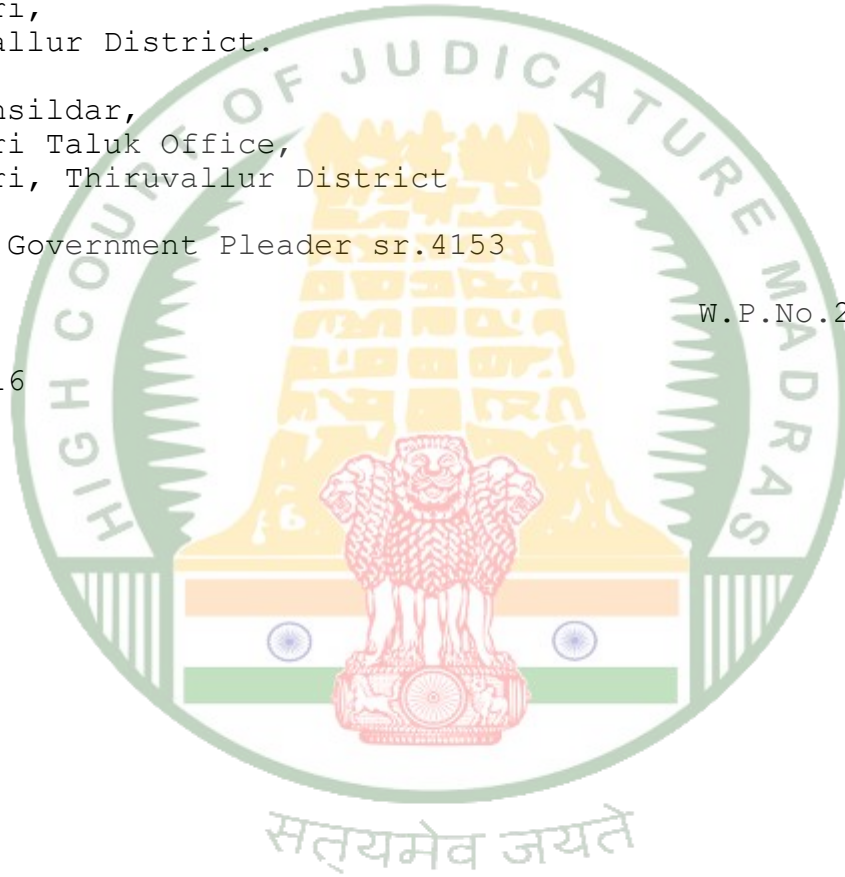
3. The Revenue Divisional Officer,
Ponneri Taluk Office,
Ponneri,
Tiruvallur District.

4. The Tahsildar,
Ponneri Taluk Office,
Ponneri, Thiruvallur District

+ 1 cc to Government Pleader sr.4153

W.P.No.2001 of 2016

SNS (CO)
Eu 24.02.16



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