

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.26662 of 2015

M.Saravanan

.. Petitioner

Vs.

1. The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-600 053.
2. The Tahsildar,
Madhavaram Taluk Office,
Devaraj Nagar, Madhavaram,
Chennai-600 060.
3. Mrs.Perammal
4. Ravi
5. Sankar
6. Mahalingam
7. Ramesh
8. Jayalakshmi
9. Selvaraj
10. Mahendran
11. Kumar
12. Kesavan
13. Subramani
14. Ramasamy
15. Devaraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent herein to dispose of the representation of the petitioner, dated 15.04.2015, within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Sankarappan

For Respondents : Mr.M.Dig Vijay Pandian, Addl.G.P. for RR-1 & 2
Mr.V.P.Rajendran for RR-3 to 15

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent herein to dispose of the representation of the petitioner, dated 15.04.2015 within a time frame that may be fixed by this Court.

2. It is the case of the petitioner that a partition suit was filed by one Natarajan and respondents 9 to 15 as plaintiffs against the petitioner and some others, in O.S.No.55 of 2009 on the file of the Sub-Court, Ponneri. As the first plaintiff-Natarajan expired, his legal heirs, namely respondents 3 to 8 were brought on record. The said suit was filed with regard to the petitioner's property in Old Survey No.1420/2 (New Survey No.1420/2A2, 1420/2A, 1420/2B and 1420/2C) of Madhavaram Village, presently Ambattur Taluk and previously Saidapet Taluk, Thiruvallur District. It is further stated by the petitioner that the patta and adangal filed as documents in the said suit, are fabricated and forged documents and the original patta and adangal are in the petitioner's name after his purchase of the said property and he has title deed with respect to the property in his name. In the said suit, the respondents did not file any title deed with respect to the said property. Hence, the petitioner sent a representation to the first respondent on 29.10.2014, requesting him to furnish the details of patta, adangal, etc. Though the said representation was received by the first respondent on 31.10.2014, no action was taken. Hence, the petitioner filed W.P.No.31370 of 2014, which was disposed of by this Court on 13.01.2015, directing the first respondent to dispose of the said representation, dated 29.10.2014 within three months from the date of receipt of a copy of the order.

3. Thereafter, a letter dated 24.02.2015 was sent by the petitioner through his counsel, in person on 25.02.2015, in which, the first respondent made an endorsement stating that the matter relates to Madhavaram Taluk. The petitioner was directed to send the representation to the second respondent. Subsequently, on 15.04.2015, the petitioner gave a representation to the second respondent seeking for the details relating to the patta, etc. Though the said representation was received by the second respondent on 17.04.2015, no action is taken. Hence, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Considering the factual aspects of the matter, without going into the merits of the case, the second respondent is directed to consider the said representation of the petitioner,

dated 15.04.2015, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, including the respondents 3 to 15 herein and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the second respondent to decide the same.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-600 053.
2. The Tahsildar,
Madhavaram Taluk Office,
Devaraj Nagar, Madhavaram,
Chennai-600 060.

+1cc to M/S. Government Advocate Sr.19691

+ 1 cc to Mr.R.Sankarappan, Advocate Sr.19296 (26/4/16)

W.P.No.26662 of 2015

cnr(CO)
srg(20/04/2016)

WEB COPY