

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

CORAM:

The HON'BLE MR. JUSTICE M.JAICHANDREN

W.P. No.9033 of 2015

Varadharajan

.. Petitioner

Versus

1. The Tahsildar,
Tahsildar office,
Tambaram.

2. J.Paulraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to change the patta from the petitioner's vendor's name to the petitioner's name on the basis of the sale deed dated 13.01.2015.

For petitioner : Mr.D.S.Ramesh

For respondents: Mr.P.Karthikeyan, GA (R1)

Mr.S.Balasubramaniam (R2)

ORDER

Heard the learned counsel appearing for the petitioner, as well as the learned counsels appearing on behalf of the respondents.

2.This writ petition has been filed praying that this Court may be pleased to issue a WRIT OF MANDAMUS, directing the first respondent to change the patta from the name of the vendor of the petitioner to the name of the petitioner, based on the sale deed, dated 13.01.2015.

3.From the averments made in the affidavit filed in support of the writ petition and the counter affidavit filed on behalf of the second respondent, it is made clear that there are certain disputed questions of facts, which are to be decided by the first respondent, to arrive at a decision, with regard to change of patta in the name of the petitioner. The learned counsel appearing on behalf of the second respondent had also

pointed out that an appeal, in A.S.No.22 of 2013 is pending, on the file of the Principal District Judge, Chengalpattu. Under such circumstances, this Court is not inclined to grant the relief, as prayed for in the writ petition.

4.However, this Court is of the view that the representation submitted by the petitioner, to the first respondent, on 19.01.2015, can be directed to be disposed of, by the first respondent, within a specified period, after giving an opportunity to all the parties concerned.

5.In view of the above, the first respondent is directed to dispose of the petitioner's representation, dated 19.01.2015, with regard to the change of patta in the name of the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner, the second respondent and other persons concerned, if any. The petitioner is directed to furnish a copy of the representation, dated 19.01.2015, to the first respondent, along with a copy of this order. However, it is made clear that this Court, by this order, has not expressed any opinion on the merits of the matter.

6.The writ petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rk

To

The Tahsildar,
Tahsildar office,
Tambaram.

+1cc to Mr.D.S.Ramesh, Advocate, S.R.No.35672
+1cc to Mr.S.Bala Subramanian, Advocate, S.R.No.36244
+1cc to the Government Pleader, S.R.No.35852

GJII(CO)
EU(14/07/2016)

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