

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.24751 of 2013

and

M.P.No.1 of 2013

G.Syamalakumari

... Petitioner

Vs

1. The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District,
Pin-603 001.

2. K.Arul,
S/o.C.kanniappan Naicker,
Karanai Village,
Chengalpattu Taluk,
Kancheepuram District.

(R2 is impleaded as per order of this Court in
M.P.No.2 of 2013 dated 21.11.

... Respondents

Prayer.: Writ petitions filed under Article 226 of the
Constitution of India praying to issue a writ of Mandamus
directing the respondent to consider the petitioner's
representation dated 19.06.2013.

For Petitioner : Mr. S.Thangavel

For Respondents : Mr.K.Balamurugan,
Gov. Advocate, -for R1

: Mr.T.Paranthaman,
for R2.

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O R D E R

The petitioner has been filed seeking for a direction
to the first respondent to consider the representation made by
the petitioner on 19.06.2013.

2. The petitioner had purchased the properties
comprised in Survey Nos.159/4A and 159/7 in Perumaleri Village,

Thirukalukundram Taluk, under a sale deed dated 16.05.1994 registered as Document No.980/1994 on the file of the Sub-Registrar, Thirukalukundram, from one Kunnappan and others.

3. By virtue of the said sale deed, when the petitioner attempted to have the patta transferred in his name, it was brought to his notice that the Tahsildar, Thirukalukundram had granted patta for the same property in favour of the second respondent herein.

4. Hence, the petitioner had made an application to the first respondent seeking for cancellation of the patta issued in favour of the second respondent for the property comprised in Survey Nos.159/4A and consequently issue patta in the name of the petitioner for the property in Survey Nos.159/4A and 159/7. Since the said application was not considered in time, the present writ petition is filed.

5. Heard Mr.S.Thangavel, learned counsel for the petitioner and Mr.K.Balamurugan, learned Government Advocate appearing for the first respondent and Mr.T.Paranthaman, learned counsel for the second respondent.

6. In view of the limited prayer sought for in this writ petition and without going into the merits of the claim made by the petitioner, there shall be a direction to the first respondent to consider the petitioner's representation dated 19.06.2013 on its own merits and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of the order. The first respondent, while conducting the enquiry on the basis of the petitioner's representation, shall also give notice to the second respondent calling for his objection, if any, and to such other person who may claim title over the property.

7. With the above observation, the Writ Petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

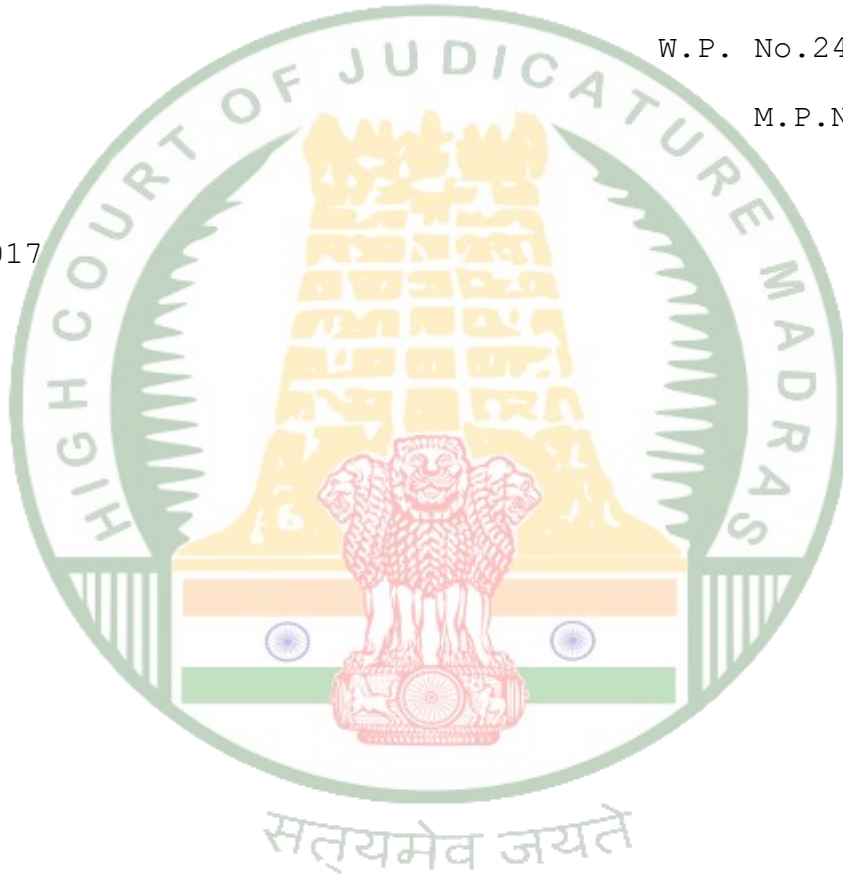
To

The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District- 603 001.

+lcc to Mr.T.Paranthaman, Advocate Sr.67336
+lcc to Mr.S.Thangavel, Advocate Sr.67855
+lcc to the Government Pleader Sr.67917

W.P. No.24751 of 2013
and
M.P.No.1 of 2013

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