

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28379 of 2016

C.Tamilselvan

... Petitioner

Vs.

1. The District Collector
State of Tamilnadu
Namakkal District, Namakkal.
2. The Tahsildar
Rasipuram Taluk
Namakkal District.
3. The Village Administrative Officer
Rasipuram Taluk, Namakkal District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider and dispose of the petitioner's representation dated 03.06.2015 on merits and in accordance with law, within a stipulated time.

For Petitioner : Mr.M.Gnanasekar

For RR 1 to 3 : Mr.R.Govindasamy,
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner along with two others, had filed a suit in OS.No.3/2011 on the file of the Court of District Munsif, Rasipuram, praying for permanent injunction, restraining the respondents 1 and 2 as well as the Revenue Divisional Officer, Namakkal District, from interfering from their peaceful possession and enjoyment of the superstructure bearing Door Nos.2/6, 2/7 and 2/8 in Survey No.6/1 along with the land admeasuring to an extent of 4 ½ cents situate at Bodinaickenpatti, Rasipuram Taluk, Namakkal District and it was decreed on 29.03.2011. The decree also states that in the event of the Government Department wants the said property for public purpose, it can do so after following due process of law.

3. The learned counsel for the petitioner would submit that the said judgment and decree has become final and thereafter, the petitioner has repeatedly approached the respondents for transfer of patta. He would further submit that he has also submitted an application on 03.06.2015 to the 2nd respondent and it was followed by a reminder dated 15.06.2016 and since no response is forthcoming, the petitioner is constrained to approach this Court by filing the present writ petition.

4. Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's application dated 03.06.2015 as well as the representation dated 15.06.2016 in accordance with law, after putting on notice, the person/s concerned and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, as well as to the person/s concerned.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

AP Sub Assistant Registrar
To

1. The District Collector
State of Tamilnadu
Namakkal District, Namakkal.
2. The Tahsildar
Rasipuram Taluk
Namakkal District.
3. The Village Administrative Officer
Rasipuram Taluk, Namakkal District.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.46678

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RSY(CO)

CA/22/08/2016)

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