

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30710/2016

- 1.Sivagami
- 2.P.Gopal
- 3.P.Pazhani
- 4.Shanthi
- 5.Samanthi
- 6.Anjugam

... Petitioners

Vs

- 1.The District Collector of Vellore
Collectorate, Sathuvachari,
Vellore, Vellore District.
- 2.The Tahsildar of Arakkonam
Tahsildar Office, Arakkonam Taluk
Arakkonam, Vellore District.
- 3.The Village Administrative Officer
Perunkalathur Village & Post,
Arakkonam Taluk, Vellore District.
- 4.Eeswari
- 5.Saravanan
- 6.Shanthi
- 7.Indumathi
- 8.Thenmozhi
- 9.Theivanai
- 10.Lakshmi
- 11.Venkatesan

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 01.08.2016 and further direct the 2nd respondent to issue a joint patta in the name of petitioners to the properties situated in Dry SF.No.234/2 in patta No.775 to an extent of 1.20 ¼ cents in Perunkalathur Village Account, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.A.Gouthaman

For R1 to R3 : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner would state that the landed property in Dry SF.No.234/2 admeasuring to an extent of 2 aces and 8 cents in Perungalathur Village, Arakkonam Taluk, Vellore District, originally belonged to their father, namely, [late] Ponnusami Pandithar and Patta No.775 was also issued in his name and he was in possession and enjoyment of the same and on account of the rival claim from Ganesan and others, he was constrained to file a suit in OS.No.231/1988 on the file of the Court of the District Munsif, Arakkonam, praying for a declaration that he is the owner of the said property in question and for permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment and the said suit, after contest, was dismissed on 30.07.2007 and challenging the legality of the judgment and decree, filed an appeal in AS.No.25/2008 on the file of the Court of Sub Judge, Ranipet, subsequently, transferred to the file of the Court of Sub Judge, Arakkonam and re-numbered as AS.No.7/2015 and pendency of the appeal, the said Ponnusami Pandithar died on 08.07.2009 and thereafter, the petitioners came on record as the appellants. The said appeal, after contest, was allowed vide judgment decree dated 05.03.2016, declaring the rights of the petitioners in respect of the above said property and so far, no further appeal has been filed by the respondents 4 to 11 / defendants and it has become final. The petitioners, armed with the said decree, had approached the 2nd respondent in the form of representation dated 01.08.2016 praying for joint patta in Patta No.775, granted to their father and despite the receipt and acknowledgment, no response is forthcoming and hence, the petitioners came forward to file this writ petition.

3 Heard the submissions of the learned counsel appearing for the petitioners and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to entertain the petitioners' representation/application dated 01.08.2016, if the papers are otherwise in order and after putting the respondents 4 to 11 on notice, shall pass orders in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners

as well as to the respondents 4 to 11 herein.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector of Vellore
Collectorate, Sathuvachari,
Vellore, Vellore District.
- 2.The Tahsildar of Arakkonam
Tahsildar Office, Arakkonam Taluk
Arakkonam, Vellore District.
- 3.The Village Administrative Officer
Perunkalathur Village & Post,
Arakkonam Taluk, Vellore District.

1 cc to Mr.A.Gouthaman, Advocate, sr.50143

W.P.No.30710/2016

svi co
kra 20.09.2016

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