

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.9.2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.32259 of 2016

J.Ganesan

.. Petitioner

Vs.

1 The District Collector
Kancheepuram Kancheepuram District

2 The Tahsildar
Thirukazhukundram Taluk Kancheepuram
District

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to measure the land in Survey Nos. 127A 1A 128A/9A1A 128A/9A1B Agatheeswara Mangalam Village Thirukazhu Kundram Taluk Kancheepuram District as per the Partition Deed dt 13.12.2007 and petitioners application dt 15.12.2014 and 26.4.2016

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent to measure the land in Survey Nos. 127A 1A, 128A/9A1A, 128A/9A1B Agatheeswara Mangalam Village Thirukazhu Kundram Taluk, Kancheepuram District as per the Partition Deed dt 13.12.2007 and petitioners application dt 15.12.2014 and 26.4.2016.

3. The land in question is a joint family property. By means of a partition deed, "B schedule property was allotted to the petitioner and "D schedule property was allotted to his brother. However according to the petitioner, the property was not subdivided as per the partition deed. Further, patta was not transferred in the name of the petitioner. Hence, he gave

application for subdivision of patta transfer. In spite of several representations to the 2nd respondent, till date, there was no response and hence, the Writ Petition has been filed.

4. The learned Government Advocate Mr.R.S.Selvam, who takes notice for the respondents, has got no serious objection for directing the 2nd respondent to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent, to consider the representations of the petitioner, dated 15.12.2014 and 26.4.2016 and also as per the partition deed dated 13.12.2007, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three months after giving notice to the petitioner as well as his brother. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

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To

1 The District Collector
Kancheepuram Kancheepuram District

2 The Tahsildar
Thirukazhukundram Taluk
Kancheepuram District

+1 c.c. to M/S.S.BHASKARAN, ADVOCATE, SR.NO. 52161

+1 c.c. to Govt. Pleader, SR.NO. 52554

MMP 22.10.2016

W.P.No.32259 of 2016