

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36724 of 2016

S.Senthilkumar

.. Petitioner

Vs.

The Tahsildar,
Arakkonam Taluk,
Vellore District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to pass orders on the petitioner's application dated 13.04.16 seeking for subdivision and transfer of patta in respect of the petitioner's property bearing plot No.53, having an extent of 1800sq.ft, comprised in S.No.524/3B and 524/3C, Green Park Avenue, Vadamambakkam Village, Arakkonam Taluk in the light of judgment of this Court made in A.S.No.108 of 1991 dated 26.11.01.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.R.A.S.Senthilvel, AGP

ORDER

Heard the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner would state that he acquired the plot/property admeasuring to an extent of 1800 sq.ft., comprised in S.No.524/3B and 524/3C situated in Vadamambakkam village, Arakonam Taluk, Vellore District, by way of Settlement Deed executed by his father bearing Doc.No.932 of 2016 dated 26.02.2016 registered on the file of the Joint Sub Registrar-2, Arakkonam. The petitioner had approached the respondent personally on several occasions seeking for subdivision and transfer of patta in his name ; but his attempts has not been fructified. Hence, he submitted an application/representation dated 13.04.2016 to the respondent and though it was received and acknowledged, the petitioner is yet to be favoured with any kind of response. Further, it is the case of the petitioner that his predecessors had filed a

suit in OS.No.546/1981 on the file of the learned District Munsif, Sholinghur, for declaration of title and for permanent injunction in respect of the property in S.No.524/3A, 524/3B and 524/3C having an extent of 1.82 acres, 1.75 acres and 1.82 acres respectively and the suit was dismissed against which, an appeal in AS.No.108/1991, filed before this Court was allowed vide judgment and decree dated 26.11.2001 and the said judgment in the appeal has reached finality. Subsequent to the said judgment, the plot was sold to the petitioner's father. It is the further submission of the petitioner that the respondent is raising the very same ground which was raised at the time of hearing the appeal, which ground was refuted and not accepted by this Court. Hence, it is the submission of the petitioner that his representation dated 13.04.2016 is kept pending unnecessarily by the respondent and therefore, he is constrained to file this writ petition before this Court.

3 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 claim projected by the petitioner in his representation and without expressing any opinion, this Court directs the respondent to consider and dispose of the petitioner's representation dated 13.04.2016 on merits and in accordance with law, taking into consideration the judgment and decree passed in AS.No.108/1991 dated 26.11.2001 and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner.

4 The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

The Tahsildar,
Arakkonam Taluk,
Vellore District.

+1cc to Mr.G. Jeremiah, Advocate, S.R.No.59406

+1cc to the Government Pleader, S.R.No.60205

RK(CO)

EU(21/11/2016)

WP.No.36724/2016