

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4135 of 2016

V.Manimaran

... Petitioner

Vs.

1. The District Collector,
Collectorate, Villupuram.

2. The Revenue Divisional Officer,
Collectorate, Villupuram.

3. The Tahsildar,
Chinnasalem,
Chinnasalem Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the third respondent to consider the representation of the petitioner, dated 04.01.2013 and issue a patta in favour of the petitioner for the land under Survey No.348/4 to an extent of 1.40 cents within the stipulated time.

For Petitioner : Mr.D.Muthukumar

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

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ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the third respondent to consider the representation of the petitioner, dated 04.01.2013 and issue a patta in favour of the petitioner for the land under Survey No.348/4 to an extent of 1.40 cents within the stipulated time.

2. It is the case of the petitioner that land to an extent of 1.40 cents in Survey No.348/4 in Rayappanur Village, originally belonged to one Mr.Chinnan Padayachi, who is none other than the grandfather of the petitioner's mother Mrs.Pappal. After the death of Mr.Chinnan Padayachi, the said land came to his son Mr.Arumugam Padayachi, the father of the petitioner's mother and after the death of Mr.Arumugam Padayachi, the said land came to the petitioner's mother as she is the only legal heir of Mr.Arumugam Padayachi. It is the further case of the petitioner that his mother executed sale deed in his favour, which was registered in the Sub-Registrar Office in Chinnaasalem as Document No.5770 of 2011, dated 21.12.2011, after which, the petitioner made a request to the third respondent to issue a patta in his favour, which was not considered by the third respondent, resulting in filing of W.P.No.30494 of 2012 by the petitioner to issue a patta in his favour. Since Legal Heirship Certificate was not obtained in favour of the petitioner's mother, this Court held in the said Writ Petition that it is premature and this Court further observed that it is open for the petitioner to apply for change of patta after obtaining the Legal Heirship Certificate in prescribed form. Subsequently, a Legal Heirship Certificate in favour of the petitioner's mother was issued to show that she is the only legal heir of late Mr.Arumugha Padayachi on 26.11.2012. Then, the petitioner again applied for issuance of patta in his favour for the said land, subsequent to which, he has also given a representation, dated 04.01.2013 to the third respondent for issuance of a patta in his favour. Even after a delay of two years, the third respondent did not take any steps to issue patta in favour of the petitioner. Hence, the petitioner has filed this Writ Petition for the relief stated above.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the limited scope of the prayer made in this Writ Petition seeking for a direction to consider the said representation, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the third respondent - Tahsildar to consider the said representation of the petitioner for issuance of a patta, if the patta has not yet already been issued to him and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law,

within a period of six weeks from the date of receipt of a copy of this order or on production of a copy of this order by the petitioner with a copy of the said representation, whichever is earlier. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The District Collector,
Collectorate, Villupuram.
2. The Revenue Divisional Officer,
Collectorate, Villupuram.
3. The Tahsildar,
Chinnasalem,
Chinnasalem Taluk,
Villupuram District.

+1cc to Mr.D.Muthukumar, Advocate, S.R.No.7345
+1cc to the Government Pleader, S.R.No.7540

W.P.No.4135 of 2016

NM(CO)
CA(18/02/2016)

सत्यमेव जयते

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