

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4157 of 2016

Ajith Kumar

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Collectorate, Vengikkal-606 604,
Tiruvannamalai Town & District.
2. The District Head Surveyor,
Collectorate Complex,
Vengikkal-606 604,
Tiruvannamalai Town & District.
3. The Surveyor,
Taluk Office,
Thandrapattu Town & Taluk,
Pin Code: 606 707,
Tiruvannamalai District.
4. The Tahsildar,
Thandrapattu Taluk,
Thandrapattu-606 707,
Tiruvannamalai 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 respondents to consider the petitioner's representation, dated 05.01.2016.

For Petitioner : Mr.S.Vediappan

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

ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 05.01.2016.

2. It is the case of the petitioner that he had purchased land measuring an extent of 0.60.32 hec. out of total extent of 1.21.00 hec. in Survey No.26/3B in Serandhangal Village, Thandrapattu Taluk, Tiruvannamalai District, from the legal heirs of one Narayanan, son of Manickam, namely from (1) Amirtham Ammal, wife of Narayanan, (2) Indira, D/o Narayanan, (3) Ramayi, D/o Narayanan, for a consideration of Rs.2,68,000/-, vide registered sale deed in Doc.No.3263/2015, SRO, Thandrapattu, on 02.11.2015. Subsequently, he applied for change of name in the patta, which was in Joint Patta No.56, in the name of one Chinnasami, son of Manickam, who is none other than the petitioner's vendor's Narayanan's brother. The said joint patta was issued for total extent of 1.21.00 hec., whereas, the petitioner purchased only half the portion, i.e. an extent of 0.60.32 hec., and therefore, he needs separate patta for proof of his enjoyment and to use it as his title document. It is his further case that while he applied for issuance of separate patta, along with copies of all documents, he paid the sub-division fee of Rs.80/- through challan, dated 19.11.2015. Though the petitioner met the third respondent and the Village Administrative Officer of Seranthangal Village several times, no steps were taken to measure the property for issuance of separate patta in his favour. Therefore, he made second representation through Registered Post with Acknowledgement Due, to the respondents on 05.01.2016 for issuance of separate patta in his name, by intimating the above facts and further stating that he was ready to pay any further fee, if so directed to pay and undertook to pay any land tax arrears, etc., if any, remaining unpaid and if the same is so intimated to him either in person or through post. As the said representation was not considered, the petitioner could not do any work in the property he purchased, as he does not know the exact boundary lines of the field. He also intimated the respondents that he is ready to submit the original sale deed in proof of his purchase of the above said property for perusal of the respondents and also undertook to file any document to be filed by him, if so directed. In spite of receiving the said representation, dated 05.01.2016 through Registered Post with Acknowledgement Card, the respondents had not sub-divided the property and had not issued separate patta in favour of the petitioner. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

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, dated 05.01.2016, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondents to consider the said representation of the petitioner, dated 05.01.2016 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//

cs
To

Sub Assistant Registrar

1. The District Collector,
Tiruvannamalai District,
Collectorate, Vengikkal-606 604,
Tiruvannamalai Town & District.
2. The District Head Surveyor,
Collectorate Complex,
Vengikkal-606 604,
Tiruvannamalai Town & District.
3. The Surveyor,
Taluk Office,
Thandrampattu Town & Taluk,
Tiruvannamalai District 606 707
4. The Tahsildar,
Thandrampattu Taluk,
Thandrampattu-606 707,
Tiruvannamalai District.

+1cc to Mr.S.Vediappan, Advocate, S.R.No.7196
+1cc to the Government Pleader, S.R.No.7542

W.P.No.4157 of 2016

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