

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4159 of 2016

R.Kanniappan

... Petitioner

Vs.

1. District Collector, Kancheepuram.

2. The Tahsildar, Taluk Office,
Maduranthagam, Kancheepuram. ... 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 application, dated 20.09.2007 and issue patta for the Maniam land of an extent of 1 acre comprised in Survey No.364/2, 3, 4 and 6, Lakshminarayanapuram Village, Maduranthagam Taluk, Kancheepuram District, to and in favour of the petitioner.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's application, dated 20.09.2007 and issue patta for the Maniam land of an extent of 1 acre comprised in Survey No.364/2, 3, 4 and 6, Lakshminarayanapuram Village, Maduranthagam Taluk, Kancheepuram District, to and in favour of the petitioner.

2. It is the case of the petitioner that an extent of 1 acre of cultivable land, comprised in Survey No.364/3, 364/2, 364/4 and 364/6, situated in Lakshminarayanapuram Village, is under cultivation and enjoyment of the petitioner's family for more than 100 years right from his paternal grandfather Late Kannappa Maistry and the said property was given to the petitioner as "Maniam", as they had been doing service to the village, since they belonged to Vannar Community. It is his further case that he submitted an application, dated 20.09.2007 for issuance of patta to the Chief Minister of Tamil Nadu and the same was forwarded by the first respondent on 05.10.2007 to the second respondent for

necessary action for issuance of patta. The petitioner further submitted that the President of Village Panchayat also has given No Objection letter and the residents of the village also gave consent letter on 26.12.2007 for issuance of patta. But, the patta stands issued in the name of the villagers as issued on 01.02.2010, while the petitioner's application for patta was pending with the respondents. The said application dated 20.09.2007 for issuance of patta is still pending and as the land was allotted for his family towards "Maniam" and as they have been cultivating and enjoying the property for more than 100 years, it is the case of the petitioner that they have every right to get the patta for the said land. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard the learned counsel appearing for the petitioner. The learned Special Government Pleader, who took notice for the respondents opposed the prayer made in the Writ Petition stating that as on date, the patta in respect of the land in question, stands in the name of the villagers and hence, the patta cannot be issued to the petitioner.

4. Irrespective of the submissions made by the learned Special Government Pleader, I am of the view that since the petitioner's application/representation, dated 20.09.2007 is pending with the second respondent, it is appropriate to direct the second respondent to consider and dispose of the said representation, on merits and in accordance with law.

5. Accordingly, considering the limited scope of the prayer made in this Writ Petition seeking for a direction to consider the said application/representation, dated 20.09.2007, this Writ Petition is disposed of, with a direction to the second respondent to consider the said application/representation of the petitioner, dated 20.09.2007 and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation 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. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner. It is for the second respondent to dispose of the said application/representation on merits and in accordance with law. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

CS

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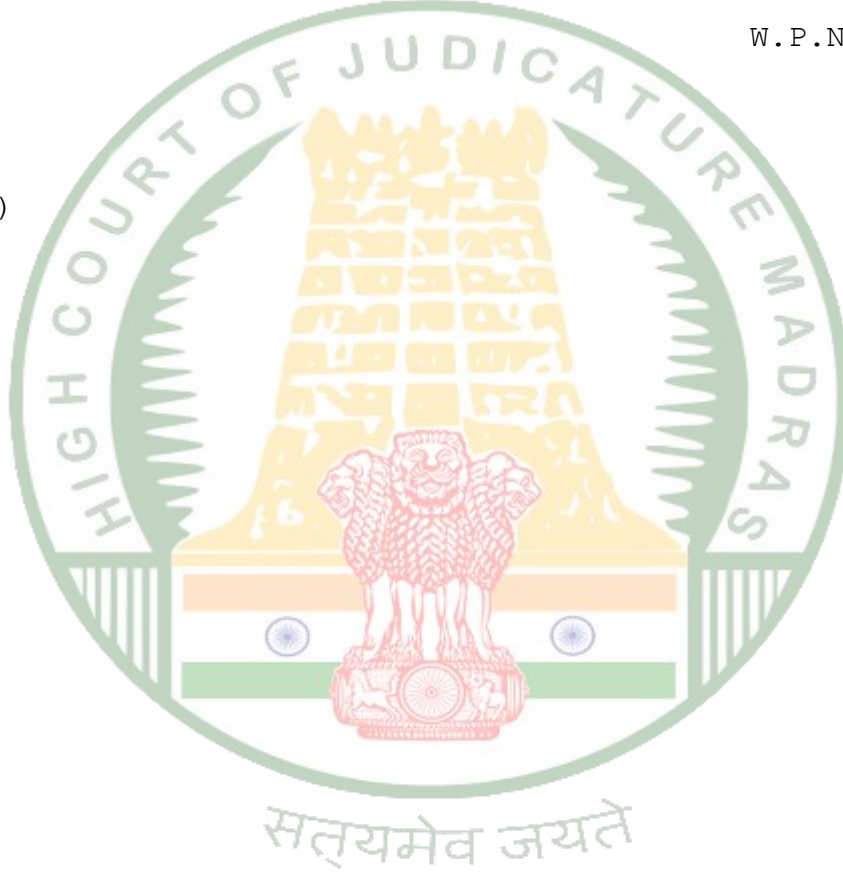
1. District Collector,
Kancheepuram.

2. The Tahsildar, Taluk Office,
Maduranthagam, Kancheepuram.

1 cc to Mr.S. Sadasharam, Advocate, Sr. 7170
1 cc to Government Pleader, Sr. 7517

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KSJ (CO)
kk 15/2



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