

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No.42903 of 2016

K.Musafarkani

... Petitioner

Versus

The Tahsildar
Maduranthagam,
Kancheepuram District.

... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 04.11.2005 and thereby direct him to sub divide the property at No.137, Pillaiyar Koil Street, Senguntharpettai, Madhuranthagam Town 'bearing' Old Survey No.1251/3 and New Survey No.1251/3A, measuring an extent of 0.03 cents (1308 sq.ft.) and to issue patta in his name.

For Petitioner : Ms.A.Ajimath Begam

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

O R D E R

By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 19.10.2016 by affording an opportunity of hearing to the persons concerned and pass appropriate orders, on merits and in accordance with law, within a time stipulated.

3. According to the petitioner, he is the owner of the property measuring an extent of 0.03 cents and he had purchased the above said property from one D.Kumari, by way of registered

sale deed in Doc.No.523/1995 before the Sub Registrar, Madhuranthagam. Thereafter, he had applied to the respondent for issuance of patta in his name on 07.01.2008. The Town surveyor stopped the further action. The said D.Kumari had filed a suit in O.S.No.144 of 2008 against the petitioner before the District Munsif Court, Madhuranthagam seeking permanent injunction, which was dismissed on 01.12.2014. After dismissal of the above suit, the petitioner had given a representation to the respondent dated 04.11.2015 for the sub-division of the property. But the respondent has not been considered the same, till date. Hence, the petitioner filed the present writ petition.

4. Mr.R.S.Selvam, Government Advocate takes notice for the respondent and would submit that the request of the petitioner will be considered 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 respondent, to consider the representation of the petitioner dated 04.11.2015 and pass appropriate orders, on merits and in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of the order. 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/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkd

To

The Tahsildar
Maduranthagam,
Kancheepuram District.

+1cc to Ms.A.Ajimath Begam, Advocate, S.R.No.72514
+1cc to the Government Pleader, S.R.No.72660

W.P. No.42903 of 2016

RSY(CO)
CA(21/12/2016)