

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.43053 of 2016

1.S.Viswamithiran
2.G.Jeganathan
3.Easwaran @ G.Ashok
4.G.Velu
5.G.Venkatesan

... Petitioners

Vs.

1. The Tahsildhar,
Gummidipoondi Taluk,
Gummidipoondi,
Tiruvellore District.
Pincode - 601 201.

2. Mr.K.Krishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to dispose of the petition filed on 13.02.2015 by the petitioner within a reasonable time.

For Petitioner : Mr.Pitty Parthasarathy

For Respondents : Mr.A.Kumar
Special Government Pleader
for R1

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners would state that the property comprised in Punja Survey No.219/2 of No.61, Chinna Obalapuram Village, Gummidipoondi Taluk, formerly Chengai MGR District, presently Tiruvellore District admeasuring an extent of 1 Acre 16 Cents [0.47.0 Hectares] was possessed and enjoyed by the first petitioner/father, petitioners 2, 3 and 5 along with one T.N.Gangadharan and the second respondent herein, who is also one of the brother of said T.N.Gangadharan and patta was also issued by the Tahsildar, Gummidipoondi, vide patta No.227 dated 03.03.1994, Joint Patta No.180/1403 in the name of

T.N.Gangadharan, son of Nataraja Reddy, who was the eldest son and Kartha of the Hindu Joint Family. It is the claim of the petitioners that the above said property was enjoyed in common and subsequently, it was divided by way of oral partition and all the sharers are equally given 39 cents each. The said T.N.Gangadharan, died on 01.05.2005 leaving behind the petitioners 2 to 5 and except them no other persons have any right or title over the lands comprised in S.No.219/2. It is the case of the petitioner that the second respondent had influenced the Revenue Authorities and obtained patta vide Patta No.1138 for the punja land admeasuring to an extent of 1 Acre and 16 Cents for the entire extent of land and the second respondent is not entitled for getting patta for entire extent of land in his name, while the petitioners are also the joint owners. Therefore, the petitioners submitted a petition/representation dated 13.02.2015 to the first respondent for cancelling the patta issued to the second respondent and on receipt of the same, the first respondent also issued summons to both the parties and since no progress has taken place thereafter, the petitioner has come forward with this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner, Mr.A.Kumar, learned Special Government Pleader, who accepts notice on behalf of the first respondent and perused the materials available on record.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to proceed further in conducting enquiry in accordance with the summons/notice in Na.Ka.7191/2015/A1 dated 21.09.2015 after putting on notice the second respondent and shall pass orders on the representation/application of the petitioner dated 13.02.2015, on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the second respondent.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

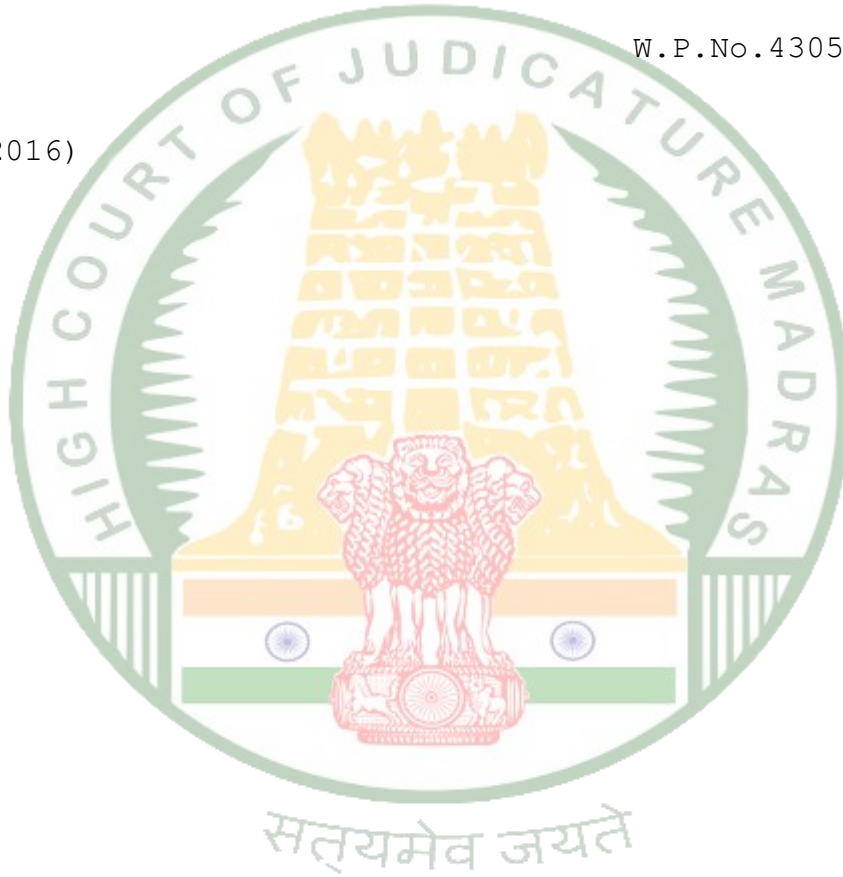
To

The Tahsildhar,
Gummidipoondi Taluk,
Gummidipoondi,
Tiruvellore District,
Pincode - 601 201.

+lcc to Mr.Pitty Parthasarathy, Advocate, S.R.No.72594
+lcc to the Government Pleader, S.R.No.72972

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NRI (CO)
CA(30/12/2016)



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