

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.43528 of 2016

Sri Appukutty Chettiyar [Petitioner]
Charitable Trust
Rep by its Hereditary Trustee
Mrs.P.B.Sundari
W/o.Mr.C.Sekar
O.No.9 New No.5
Palani Andavar Koil Street
Vadapalani Chennai-26

Vs

- 1 The District Collector
Office of the District Collector
Chennai District Singaravelar Maligai
Chennai- 600 001.
- 2 The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Egmore Chennai-600 008.
- 3 The Tahsildar
Office of the Mambalam Tahsildar
Mambalam Taluk Chennai-600 078 [Respondents]

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to consider and pass orders on the Appeal dated 23.09.2016 filed by the petitioner Trust against the rejection order passed by the 3rd respondent Vide his proceedings Na.Ka. NO. A1/1122/ 2016 dated 12.04.2016.

For Petitioner : Mr.V.R.Appaswamee
For Respondents: Mr.A.Kumar, SGP

ORDER

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. It is the case of the petitioner that one Krishnaswami Pillai, by a gift deed dated 14.11.1992, gifted a piece of land measuring 6840 sq.ft. comprised in Old Survey No.178/part of Saligram Village, in favour of the predecessors of the petitioner to construct a choultry. Accordingly, a chouldry was built by the petitioner's predecessors. After the demise of the predecessors, the petitioner became the hereditary trustee of the petitioner Trust. By the proceedings of the Deputy Commissioner dated 07.07.2006, the petitioner was declared as Hereditary Trustee of Sri Appukutti Chettiyar Charitable Trust and the same was registered under Section 54(1) of the HR & CE Act. On 03.07.2007, the petitioner sent a representation to the District Collector, to issue patta for the above land in the name of the petitioner Trust, which has gone in vain. Subsequently, on 28.11.2011, the petitioner sent another representation to the Tahsildar to issue patta for the above land. Since that also yielded no response, on 07.08.2013, the petitioner sent representations both to the District Collector and the Tahsildar concerned. Non disposal of the said representation, made the petitioner to file a writ petition before this Court in W.P.No.24290 of 2013, in and by which, this Court, by order dated 03.10.2013, directed the authorities to consider and pass orders on the application of the petitioner within four months. On 12.04.2016, the 3rd respondent, passed an order rejecting the application of the petitioner seeking patta for the above land. Aggrieved over the said order, the petitioner, preferred an appeal dated 21.09.2016, before the 2nd respondent herein. But, till date, the same was not disposed of. Hence, the petitioner is constrained to come before this Court by way of this writ petition.

3 In view of the limited prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, this Court directs the 2nd respondent to dispose of the petitioner's appeal dated 21.09.2016, if it is numbered and if it is otherwise in order, on merits and in accordance with law, as expeditiously as possible.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1 The District Collector
Office of the District Collector
Chennai District Singaravelar Maligai
Chennai- 600 001.

2 The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Egmore Chennai-600 008.

3 The Tahsildar
Office of the Mambalam Tahsildar
Mambalam Taluk Chennai-600 078

+1 cc to Govt.Pleader,sr.7408

+1 cc to Mr.R.Appaswamee, advocate,sr.74251.

pa (cO)
krd 13/2

W.P.No.43528 of 2016



WEB COPY