

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.43990 of 2016

Subramani

... Petitioner

vs.

1. The Revenue Divisional Officer
Revenue Divisional Office
Thiruvannamalai District.

2. The Tahsildar
Polur Tahsildar Office
Polur, Thiruvannamalai District.

3. Mr. Velu

4. Mr. Kali ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st and 2nd respondents to dispose of the petitioner's representation dated 04.11.2016 by cancelling the patta No.206 issued in favour of the 3rd and 4th respondents in so far as the property being an agriculture land to an extent of 1-5.50 Acres, comprised in Survey No.132 situated in Eadpirai Village, Polur Taluk, Thiruvannamalai District is concerned and consequently issue the Patta afresh as per the petitioner's representation dated 04.11.2016 within the period stipulated by this Court and pass further orders.

For Petitioner : Mr. Achuthanandan
for M/s. Pass Associates

For Respondents: Mr. P.V. Selvakumar,
Addl. Govt. Pleader for R1 and R2

No appearance for R3 and R4

ORDER

Mr. P. V. Selvakumar, learned Additional Government Pleader takes notice for respondents 1 and 2. Considering the limited prayer sought by the petitioner, the writ petition is disposed of, at the stage of admission itself, with the consent of both the parties.

2. The petitioner has filed this writ petition seeking to direct the 1st and 2nd respondents, to dispose the representation of the petitioner dated 04.11.2016, by cancelling Patta No.206 issued in favour of the 3rd and 4th respondents in so far as the property being an agriculture land to an extent of 1-5.50 Acres, comprised in Survey No.132 situated in Eadpirai Village, Polur Taluk, Thiruvannamalai District is concerned and consequently issue a fresh Patta, as per the petitioner's representation, within the period stipulated by this Court.

3. Material on record discloses that the subject property is an ancestral property, inherited by the petitioner, who have been in absolute possession and enjoyment of the property, after the demise of his father. Recently, when he applied for Adangal, the petitioner came to know that his Patta No.206 has been transferred in the name of the respondents 3 and 4, who are the adjacent land owners. Therefore, the petitioner made a representation dated 04.11.2016 to the respondents 1 and 2, setting out the facts and requested to cancel the Patta No.206 with reference to the subject property and issue a fresh patta. Since, no action was taken by the respondents 1 and 2, the petitioner is before this Court.

4. Learned counsel for the petitioner submitted that the respondents 1 and 2 have failed to carry out the legal obligations as contemplated under the provisions of the Tamil Nadu Patta Pass Book Act. He further submitted that the respondents have floated the directions and procedures for dealing with the grievance of the petitioner, as prescribed in G.O. Ms.No.99 P & A.R (A) Department dated 21.09.2015.

5. Learned Additional Government Pleader submitted that if the said application submitted by the petitioner on 04.11.2016, is in order, the respondents will certainly consider the same, in accordance with law.

6. Heard learned counsel for the petitioner and learned Additional Government Pleader for the respondents 1 and 2 and perused the material available on record.

7. Considering the facts and circumstances of the case and in view of the submission of the learned Additional Government Pleader, the respondents 1 and 2 are directed to consider the application dated 04.11.2016 of the petitioner, if it is in order, on merits and in accordance with law and pass orders after providing an opportunity to the parties concerned, as expeditiously as possibly, preferably within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai District.
2. The Tahsildar,
Polur Tahsildar Office,
Polur,
Thiruvannamalai District.

+1cc to M/S.Pass Associates, Advocate Sr.74933
+1cc to the Government Pleader Sr.76268

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