

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.44009 of 2016

S. Karmegam

.. Petitioner

vs.

The Tahsildar
Arakkonam Taluk
Vellore District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to pass orders on the petitioner's application dated 18.01.2016 seeking for subdivision and transfer of patta in respect of the petitioner's property bearing Plot No.23, comprised in S.No.524/3B, Green Park Avenue, Vadambakkam Village, Arakkonam Taluk in the light of the judgment of this Court made in A.S.No.108 of 1991 dated 26.11.2001.

For Petitioner : Mr. S. Gowri Shankar

For Respondent : Mr. P.V. Selvakumar,
Addl. Govt. Pleader

ORDER

Mr. P. V. Selvakumar, learned Additional Government Pleader takes notice for the sole respondent. 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 for a direction to the respondent, to pass orders on the petitioner's application dated 18.01.2016, wherein he has sought for subdivision and transfer of patta in respect of his property in Plot No.23, comprised in Survey No.524/3B, Green Park Avenue, Vadambakkam Village, Arakkonam Taluk, in the light of the judgment of this Court made in A.S.No.108 of 1991 dated

26.11.2001.

3. Material on record discloses that the petitioner purchased the subject property under the registered sale deed dated 29.05.2006 and approached the respondent for sub division of his plot and for issuance of patta. Finally, his application dated 18.01.2016 was considered and enquiry was conducted and the petitioner was directed to produce copy of the court order. A suit in O.S. No.546 of 1981 was filed by the predecessor of the petitioner for declaration of his title and for a permanent injunction in respect of the property of a larger extent of 1.75 acres. The subject property of the petitioner is part of the said property. Although the suit was dismissed, the appeal in A.S. No.108 of 1991 was allowed by this Court on 26.11.2001. Thereafter, patta has been issued in favour of the petitioner's predecessors and was plotted out and sold as house sites. However, no order has been passed on the representation of the petitioner and hence this petition has been filed seeking for the aforesaid prayer.

4. Learned counsel for the petitioner submitted that as per the orders of this Court dated 26.11.2001 the title has been declared in favour of his predecessor and so his application for transfer of patta has to be considered by the respondent. He further submitted that the respondent is a party to the said judgment and that individual patta has been issued in favour of other similar persons.

5. Learned Additional Government Pleader submitted that if the said application submitted by the petitioner is in order and the same is still pending, the respondent will certainly consider the same, in accordance with law.

6. Heard learned counsel for the petitioner and learned Additional Government Pleader for the respondent 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, without expressing any opinion on the merits of the case, the respondent is directed to consider the application of the petitioner dated 18.01.2016, on merits and in accordance with law, as expeditiously as possibly, preferably within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the parties concerned. The petitioner is also directed to submit a copy of the application along with a copy of this order to the respondent.

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

sd/
Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

avr

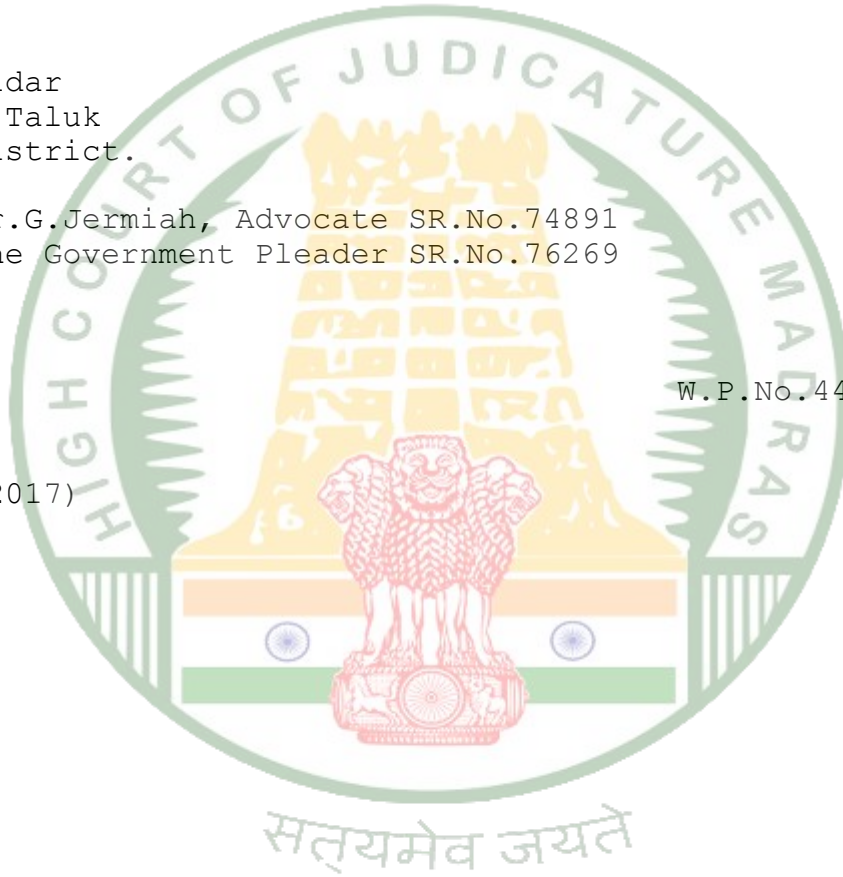
To

The Tahsildar
Arakkonam Taluk
Vellore District.

+1cc to Mr.G.Jermiah, Advocate SR.No.74891
+1cc to the Government Pleader SR.No.76269

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SK(CO)
GN(13/02/2017)



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