

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4443 of 2016

1.N.Ganeshwaran
2.N.Saravanakumar
Minor rep. by her Mother and
natural guardian
Mrs.N. Kasthuribai, ...Petitioners

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.
2.The Tahsildar,
Taluk Office,
Chidambaram,
Cuddalore District. ...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to dispose of the petitioner's representation, dated 08.05.2015, and reminder dated 07.07.2015.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.S.Pattabiraman,
Govt.Advocate.

O R D E R

This Writ Petition has been filed, praying for issuance of a writ of mandamus, to direct the respondents to dispose of the petitioner's representation, dated 08.05.2015, and reminder dated 07.07.2015.

2. The petitioners would aver in their affidavit that the vacant land and house situated at Parankipattai village, Salankara Street, Chidambaram Taluk, Cuddalore District, comprised in (i) Re-Survey No.80/2A, measuring an extent of 4

cents, (ii) Re-Survey No.80/2B, measuring an extent of 4 cents, (iii) Re-Survey No.81/B, measuring an extent of 8 cents house, (iv) Re-Survey No.80/2A1A, measuring an extent of 16 cents, (v) Re-Survey No.80/2A1A, measuring an extent of 7 ½ cents, (vi) Re-Survey No.81/1A, measuring an extent of 3 ½ cents, and (vii) Re-Survey No.81/21A1 and 80/1/A, measuring an extent of 25 ½ cents, was owned and possessed by their parental grandfather and grandmother, namely, S.Appavu and Sugunavathy, they having purchased the same in and by two deeds of sale, dated 05.12.1974 and 14.06.1984, registered as document Nos.2110 of 1974 and 551 of 1984, on the file of Sub-Registrar Office, Parankipettai. That being so, the petitioners came to know that the respondents have wrongly converted their grandparents' land as sarkar jagai in the revenue records. Therefore, the petitioners' grandparents filed a suit in O.S.No.711 of 1995 on the file of District Munsif Court, Chidambaram, against the respondents, and sought to declare that the aforesaid property belongs to them and for a permanent injunction restraining the respondents from interfering with their peaceful possession and enjoyment of the said property and mandatory injunction against the respondents to mutate the revenue records in their names. The said case has been transferred to the District Munsif Court, Parankipettai, and renumbered as O.S.No.389 of 1996. On 20.01.1998, the said suit was decreed as prayed for against the respondents. On 19.04.2006, the petitioners' grandparents settled the above said property in favour of the petitioners, vide a deed of settlement, dated 19.04.2006, registered as document No.897 of 2006 on the file of Sub-Registrar Office, Joint-I, Cuddalore.

3. The specific case of the petitioners is that their grandparents are no more. Therefore, the petitioners submitted a representation, dated 08.05.2015, and thereafter a reminder dated 07.07.2015, to the respondents, for issuance of patta, and in spite of receipt of the same, the respondents have not taken any action on the said representations. Hence, the petitioners have filed the present Writ Petition.

4. I have heard the learned counsel for the parties.

5. The learned Government Advocate would strongly oppose the prayer sought for in the writ petition, on the ground that the decree passed in the suit was an ex parte decree.

6. In the considered opinion of this Court, as long as the decree passed in O.S.No.389 of 1996 by the District Munsif Court, Parankipettai, has not been set aside, it continues to operate against the respondents and the same is in force as on date.

7. Under the above circumstances, this Court directs the petitioners to submit a fresh representation to the respondents along with a copy of this order, enclosing all necessary documents, within a period of one week from the date of receipt of a copy of this order, and, on receipt of such representation, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and also the necessary parties, if any, within a period of six weeks thereafter.

8. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dixit

To

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Tahsildar,
Taluk Office,
Chidambaram,
Cuddalore District.

+2ccs to Mr.D. Senthil Kumar, Advocate, S.R.No.7525

+1cc to the Government Pleader, S.R.No.7940

VD(CO)
EU(22/02/2016)

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