

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4568 of 2016

N.Santhanam

... Petitioner

Vs.

1. The Tahsildar
Office of the Tahsildar Office
Sholinganallur Taluk
Chennai-600 119

2. K.Parasuraman

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation sent by the petitioner dated 28.01.2016 within the time stipulated by this Honourable Court.

For Petitioner : Mr.S.V.S.Ilamvazhuthi

For Respondent-1 : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the first respondent to consider the representation sent by the petitioner dated 28.01.2016.

2. The petitioner purchased a land situated at Door No.123, Madipakkam, Narayanapuram, measuring to an extent of 1200 sq.ft., on 22.11.1995. The said document was registered before the Sub Registrar, Velachery. From the date of purchase, the petitioner is in possession and enjoyment of the property as the owner of the property. The petitioner submitted an application for patta before the first respondent and the same was obtained from the first respondent on 07.04.2012. In the mean while, due to heavy rain, the boundary

stones of the petitioner's plot got completely damaged. Hence, the petitioner submitted another representation on 13.10.2015 to measure his land and to fix the boundary stones. The said representation was not considered. Hence, the petitioner approached the Revenue Officer. The Revenue Officer replied that the second respondent herein, viz., Mr.Parasuraman has filed an objection to his representation. Hence, the petitioner has come forward with the present petition.

3. I have heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents. In view of the order going to be passed, this Court is of the view that there is no need to issue notice to the second respondent.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court without going into the merits of the claim of the petitioner, directs the first respondent to conduct enquiry on the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner and the second respondent and also to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

The Tahsildar
Office of the Tahsildar Office
Sholinganallur Taluk
Chennai-600 119.

+1cc to Mr.S.V.S.Ilamvazhuthi, Advocate, S.R.No.8031

+1cc to the Government Pleader, S.R.No.8216

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SR(CO)

CA(23/02/2016)