

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4971 of 2016

B.Thirugnanasambandan

.. Petitioner

Vs.

The Tahsildar
Mambalam - Guindy Taluk,
No.2, Bharathidasan Road,
K.K.Nagar, Chennai-78.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondent herein to consider the petitioner's representation given on 20.12.2015 pertaining to issuance of patta in favor of the petitioner herein in respect of property bearing Old No.56 and present Door No.83/31, Subramania Mudali Street, Saidapet, Chennai-15 comprised in TS.No.94, Block No.31 of Saidapet Village, measuring an extent of 2 ground and 2172 sq.ft.

For Petitioner : M/s.G.Jermiah.

For respondent : Mr.P.Sanjay Gandhi, AGP.

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondent herein to consider the petitioner's representation dated 20.12.2015 pertaining to issuance of patta in favor of the petitioner herein in respect of property bearing Old No.56 and present Door No.83/31, Subramania Mudali Street, Saidapet, Chennai-15 comprised in TS.No.94, Block No.31 of Saidapet Village, measuring an extent of 2 ground and 2172 sq.ft.

3.The petitioner submits that the property as stated in the writ petition belongs to the petitioner's maternal grand father/K.K.Thulasinga Mudaliar S/o.Kanniappa Mudaliar. The grand father of the petitioner executed a registered Will dated 31.01.1971 before the Sub Registrar, Saidapet Chennai vide Document No.17 of 1971. In view of the Will, the petitioner and his mother/B.Jayalakshmi are granted life interest over the

property in question and also great grand children of K.K.Thulasinga Mudaliar (i.e children of the petitioner herein) after the life time of the petitioner. The father of the petitioner/T.Balasundaram died on 19.02.2004 and the mother of the petitioner died on 01.08.2013 leaving behind the petitioner as sole legal heir.

4.In the meanwhile, the petitioner filed OP.No.50 of 2015 before this Court for Probate of the Will of K.K.Thulasinga Mudaliar, this Court by order dated 24.08.2015 granted Letters of Administration to administer the said property.

5.Thereafter, the petitioner made representation dated 20.12.2015 for effecting transfer of patta pertaining to the property as stated supra, the same was acknowledged by the respondent herein on 02.01.2016. Since, the representation was not considered by the respondent so far, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondent.

7.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider the representation of the petitioner dated 20.12.2015 and pass on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear, that this Court has not expressed any opinion on merits of the claim of the petitioner.

8.The writ petition is disposed of accordingly. No costs.
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S/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To
The Tahsildar
Mambalam - Guindy Taluk,
No.2, Bharathidasan Road,
K.K.Nagar, Chennai-78.

+ 1 cc to Mr.G.Jermiah, Advocate SR 8482

+ 1 cc to Govt.Pleader SR 8793

sr(co)

prk23/2

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