

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5413 of 2016

K.Manjunathan

.. Petitioner

Vs

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai-606 601.
2. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Tiruvannamalai Taluk, Tiruvannamalai.
4. A.Manikandan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the third respondent to issue patta to the petitioner to his landed property to the total extent of 7,200 Sq.Ft. bearing Plot Nos.41, 42, 43 and 44 in New Survey No.7/1A1 (Old S.Nos.9, 11/2, 11/3) of Kilipattu Village, Tiruvannamalai Taluk and District, based upon his representation, dated 15.09.2015 by virtue of the recommendations, dated 25.11.2011 by the second respondent within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Kumara Devan

For Respondent : Mr.S.Navaneetham, Addl.G.P. for RR-1 to 3

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the third respondent to issue patta to the petitioner to his landed property to the total extent of 7,200 Sq.Ft. bearing Plot Nos.41, 42, 43 and 44 in New Survey No.7/1A1 (Old S.Nos.9, 11/2, 11/3) of Kilipattu Village, Tiruvannamalai Taluk and District, based upon his representation, dated 15.09.2015 by virtue of the recommendations, dated 25.11.2011 by the second respondent within the stipulated time as may be fixed by this Court.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he purchased a landed property to the total extent of 7,200 Sq.Ft. bearing Plot Nos.41, 42, 43 and 44 in New Survey No.7/1A1 (Old S.Nos.9, 11/2, 11/3) of Kilipattu Village, Tiruvannamalai Taluk and District, from R.Saravanababu and V.Jayashankar, through their Power Agent, namely S.Omvasi, on 08.02.2008, vide Document No.1368 of 2008 on the file of the Joint SRO-2, Tiruvannamalai. The petitioner's vendors purchased the two plots each from two persons separately, namely D.Venkatesan and S.Santhakumar on 25.06.2007, vide two documents, bearing Doc.No.7129 of 2007 and 7130 of 2007 on the file of the Joint SRO-2, Tiruvannamalai, each to the extent of 3,600 Sq.Ft. It is the case of the petitioner that the said landed property is therefore his self-acquired property and no other person has any right over the same. It is the grievance of the petitioner that till date, the patta is in the name of D.Venkatesan and S.Santhakumar, who are the petitioner's erstwhile owners of the said property. The petitioner made representations to the respondents 1 to 3 for sub-division of patta in his name and the last of his representation is dated 15.09.2015 to the third respondent. In the meantime, the petitioner states that the fourth respondent was trying to encroach upon a part of the petitioner's property alleging that he has purchased the same as a second purchaser, for which, as per the advise of the third respondent, the petitioner complained to the second respondent on 29.12.2015 to issue patta based on the petitioner's documents and also prayed to cancel the patta, if any issued in favour of the fourth respondent. The petitioner has also complained to the Superintendent of Police, Tiruvannamalai, who advised the petitioner to approach the Court. Since no action was taken by the respondents 1 to 3, the petitioner has filed this Writ Petition for the above relief.

3. In view of the order that is going to be passed by this Court, there is no need to issue notice to the fourth respondent.

4. Taking into consideration the facts and circumstances of the case, this Writ Petition is disposed of, with a direction to the third respondent to consider the said representation of the petitioner, dated 15.09.2015 and after giving an opportunity of hearing to the petitioner and necessary parties including the fourth respondent, dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim as projected by the petitioner in this Writ

Petition and it is for the third respondent to decide the same by conducting enquiry and pass appropriate orders. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai-606 601.
2. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Tiruvannamalai Taluk, Tiruvannamalai.

+1cc to Mr.B.S.Kumaradevan, Advocate, S.R.No.9401
+1cc to the Government Pleader, S.R.No.9616

W.P.No.5413 of 2016

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srg 25/02/2016

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