

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5549 of 2016

J.Jaffar Ali

... Petitioner

vs.

The Tahsildar,
Tiruporur Taluk,
Kancheepuram District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the petitioner's representations dated 27.11.2015 and 12.12.2015 to issue patta in favour of the petitioner with regard to the land in Survey No.91/2A (old Survey No.91/2) comprising of 2438 sq.ft. of plot (Plot No.59 in CLV Nagar) at Kanathur Reddikuppam Village, Tiruporur Taluk, Kancheepuram District, to the total extent of 2438 sq.ft. within the time fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the respondent to consider his representations dated 27.11.2015 and 12.12.2015 to issue patta in his favour with regard to the land in Survey No.91/2A (old Survey No.91/2) comprising of 2438 sq.ft. of plot (Plot No.59 in CLV Nagar) at Kanathur Reddikuppam Village, Tiruporur Taluk, Kancheepuram District, to the total extent of 2438 sq.ft. within the time fixed by this Court.

3. It is the case of the petitioner that he has succeeded his father's estate measuring to an extent of 2438 sq.ft. of plot (Plot No.59 in CLV Nagar) in Survey No.91/2A, Old survey No.91/2 at Kanathur Reddikuppam Village, Tiruporur Taluk, Kancheepuram District, by virtue of a Will dated

28.10.1988 executed by his father. After the demise of his father, the petitioner is in continuous possession and enjoyment of the said property. Thereafter, he made a representation dated 27.11.2015 and a reminder dated 12.12.2015 to the respondent to issue patta in his favour for the said land. Since the respondent has not taken any action on his representation and the reminder, he has come with the present writ petition seeking a direction to the respondent to consider his representation and reminder for issuance of patta.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to send a fresh copy of the representation dated 27.11.2015 to the respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks thereafter. 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 respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

The Tahsildar,
Tiruporur Taluk,
Kancheepuram District.

+ 1 cc to M/s.J.Pradeep, Advocate, SR 9874

+ 1 cc to Government Pleader, High Court, Madras SR9960

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prk2/3

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