

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5922 of 2016

A.Nachimuthu

.. Petitioner

Vs.

1.The District Collector
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer
Tiruchengode Taluk,
Namakkal District.

3.The Tahsildar
Tiruchengode Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents to issue patta to the survey No.12/3 in Resurvey No.44/3 at Komarapalayam Agraharam Village, Tiruchengode Taluk, Namakkal District in favour of the petitioner by considering his representation dated 10.08.2015 and also considering the proceedings of the first respondent in O.Mu.20797/2015/01 dated 23.09.2015.

For Petitioner : M/s.R.Marudhachalamurthy.

For respondents : Ms.P.Rajalakshmi, GA.

O R D E R

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 respondents to issue patta to the survey No.12/3 in Resurvey No.44/3 at Komarapalayam Agraharam Village, Tiruchengode Taluk, Namakkal District in favour of the petitioner by considering his representation dated 10.08.2015 and also considering the proceedings of the first respondent in O.Mu.20797/2015/01 dated 23.09.2015.

3.The property in S.No.12/3 was purchased by Muthusamypillai and Gurunathan vide sale deed Doc.No.1692 of 1960 from Karuppagounder and others on 18.10.1960. Thereafter, the said Muthusamipillai sold his half share to Sivalinga Mudaliar on 13.10.1961 in Document No.1914/1961. Thereafter, during 1964 the father of the petitioner and one Sellappa Gounder purchased the same in Doc.No.1887/1964 dated 10.09.1964. The petitioner's father/Arthanari died during 2000 intestate leaving behind his legal heirs namely Angayammal, Saraswathi, Rajamani and Santhamani and the petitioner herein. The petitioner obtained release deed in his favour from the other legal heirs. The legal heirs of the Sellappa Gounder sold their half share to the petitioner through Document No.3034 of 2009 dated 10.06.2009. Now the petitioner is in possession and enjoyment of the entire property in S.No.12/3. Now the petitioner and one Gurunathan have been enjoying the property by creating partition deed on 12.08.2010. The inam Survey No.12/3 was resurveyed as Survey No.44/3 and no patta has been issued to the said resurvey No.44/3. The petitioner sent a representation to the second respondent dated 10.08.2015 for resurveying and for issuing patta, the same was forwarded to the first respondent on 23.09.2015. But till date the respondents has not considered the request of the petitioner, hence the petitioner filed the present writ petition.

4.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

5.Considering the facts and circumstances, this Court directs the second respondent to consider the representation of the petitioner dated 10.08.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight 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.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer
Tiruchengode Taluk,
Namakkal District.

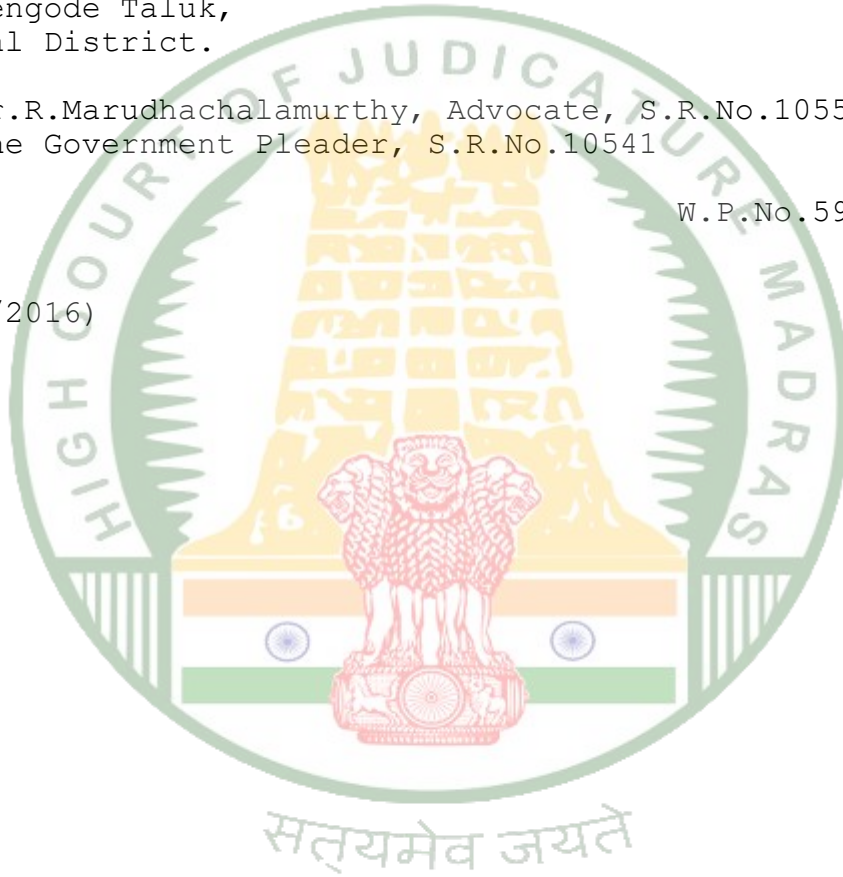
3.The Tahsildar
Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.10550

+1cc to the Government Pleader, S.R.No.10541

W.P.No.5922 of 2016.

svi (CO)
srg (03/03/2016)



WEB COPY