

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6583 of 2016

M.Murugesan

... Petitioner

Vs

1. The District Collector
Salem District, Salem.

2. The Revenue Divisional Officer,
Attur, Salem District.

3. The Tahsildar
Attur Taluk, Attur
Salem District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 19.01.2016 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.P.Karthikeyan, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 19.01.2016 within a stipulated time.

2. It is the case of the petitioner that while his father was alive, the petitioner and his three brothers partitioned a land in S.No.370/2 situated at Ramanaickenpalayam Village and Post, Attur Taluk, Salem District, which was enjoyed by his father, by a registered partition deed dated 16.07.1999. They have also made a oral partition in respect of 1.05 acres of land, which was not registered. Thereafter, the petitioner and his brothers by names, Raja and Karuppannan, purchased a land measuring 71 1/4 cents from their other brother by name

Chinnannan by a sale deed dated 06.10.1999 registered as Doc.No.2705 of 1999 on the file of the Sub Registrar, Attur. At that time, his brother Chinnannan also executed an unregistered sale deed by receiving a sum of Rs.50,000/- in respect of a land to an extent of 30 cents in S.No.370/1, Ramanaickenpalayam Village, Attur Taluk, Salem District, which is classified as poromboke land situated adjacent to the said 71 1/4 cents of land. Thereafter, the petitioner is enjoying the same by constructing a house in 10 cents, out of 30 cents and paying house tax, electricity charges to the department concerned, for which, he also sought for patta in his favour, but the same was opposed by his brother Chinnannan. Hence, the petitioner made a written representation dated 19.01.2016 to the respondents and the same is pending, without any consideration. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the third respondent to consider the representation of the petitioner dated 19.01.2016, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any and pass appropriate orders with regard to grant of patta in respect of the land measuring an extent of 10 cents in S.No.370/1, Ramanaickenpalayam Village, Attur Taluk, Salem District. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the third respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rk

To

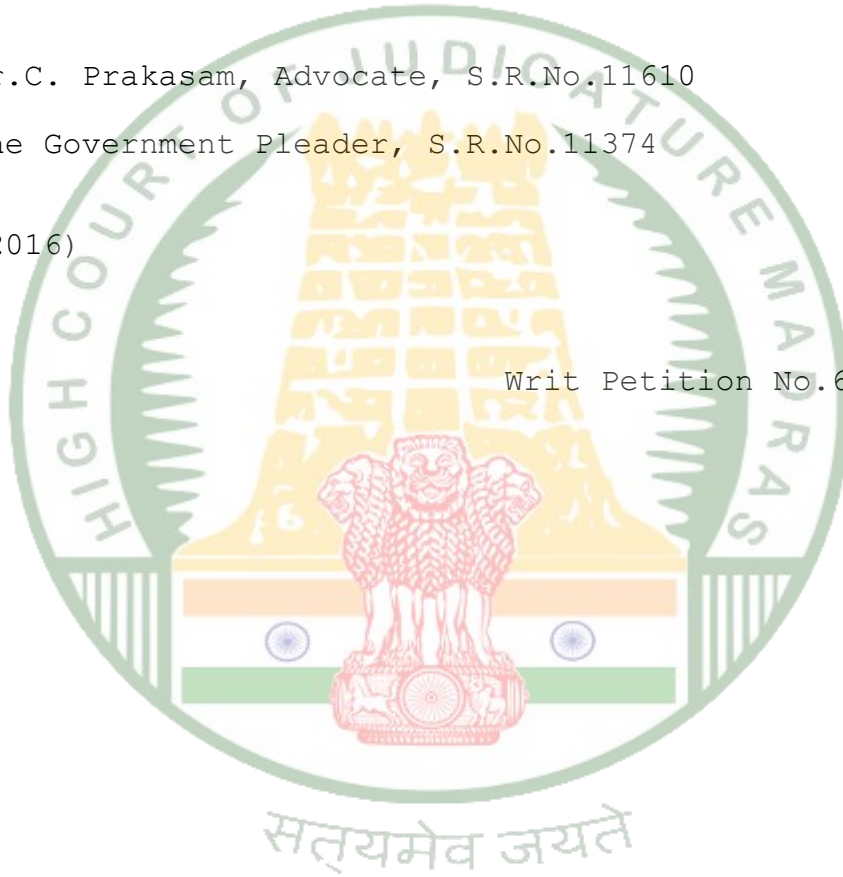
- 1 The District Collector
Salem District, Salem.
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- 3 The Tahsildar
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Salem District.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.11610

+1cc to the Government Pleader, S.R.No.11374

RSY(CO)
EU(18/03/2016)

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