

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7226 of 2016

A.Chellaiah

... Petitioner

vs.

1.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

2.Kuppan

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the petitioner's representation dated 20.01.2016 and change the patta in the name of the petitioner for the land to the extent of 0.28 cents in Survey No.129/3 situated at Thandarai Village, Thiruvannamalai Taluk and District.

For Petitioner : Mr.C.Munusamy

For R1 : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his representation dated 20.01.2016 and issue change of patta in his name in respect of the land to an extent of 0.28 cents in Survey No.129/3 situated at Thandarai Village, Thiruvannamalai Taluk and District.

2. It is the case of the petitioner that the property measuring an extent of 0.28 cents in S.No.129/3 situated at Thandarai Village, Thiruvannamalai Taluk has been allotted to him by way of partition, after the demise of his father on 06.11.1978. Since then, he has been in possession and enjoyment of the same without any hindrance from any quarters. While so, the adjacent land owner viz., Kuppan, who is the second respondent herein, had taken steps to fraudulently change the patta in his favour in

respect of the property belonging to the petitioner and the first respondent also issued patta No.138 in favour of the second respondent, without verifying the land records and relevant documents. On coming to know about the same, the petitioner made several representations to the authorities concerned including the first respondent. However, no reply has been received from the authorities concerned, which compelled the petitioner to issue a legal notice dated 10.08.2015. Thereafter, the petitioner sent a representation dated 20.01.2016, for which, no action has been taken by the first respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the first respondent.

4. Considering the facts and circumstances of the case, this Court directs the first respondent to conduct enquiry on the petitioner's representation dated 20.01.2016 and pass appropriate orders with regard to change of patta in respect of the property measuring an extent of 0.28 cents in S.No.129/3, Thandarai Village, Thiruvannamalai Taluk and 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 first respondent to pass appropriate orders purely on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as to the second respondent. The entire exercise shall be completed within a period of eight 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

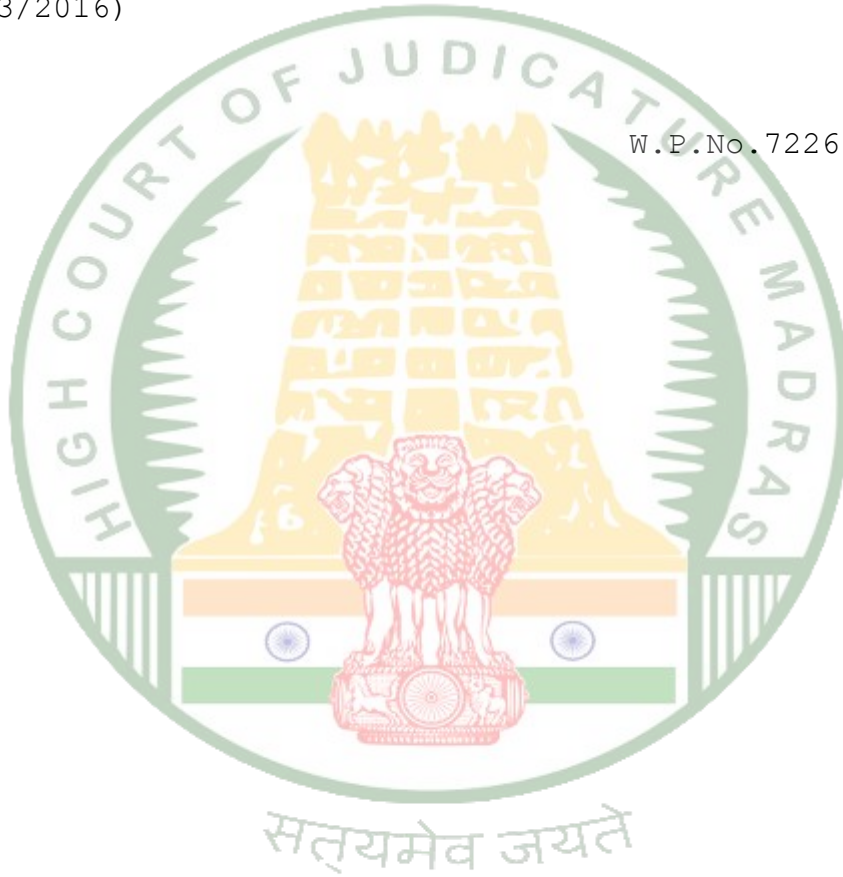
To

The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

+1cc to Mr.C. Munusamy, Advocate, S.R.No.12175
+1cc to the Government Pleader, S.R.No. 12537

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

W.P.No.7226 of 2016



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