

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7227 of 2016

P. Anitha

... Petitioner

Vs

1. The District Collector
Tiruvallur District
Tiruvallur.

2. The Tahsildar
Tiruttani Taluk
Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to include the petitioner's name as co-pattadar as per the order in Na.Ka.No.11067/2015/N2 dated 14/9/2015 passed by the first respondent in respect of Plot No.44 bearing S.No.94/1A Agoor Group Amirthapuram Village, Tirutani Taluk, by considering the petitioner's representation dated 1/2/2016.

For Petitioner ... Mr.N.Manokaran

For respondents ... Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.N.Manokaran, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents.

3. This writ petition has been filed, praying to direct the second respondent, to include the petitioner's name as co-pattadar, as per the order in Na.Ka.No.11067/2015/N2, dated 14/9/2015, passed by the first respondent, in respect of Plot No.44, bearing S.No.94/1A Agoor Group, Amirthapuram Village, Tirutani Taluk, by considering the petitioner's representation dated 1/2/2016.

4. The petitioner's maternal grand-father, late Ommini Munusamy Chetty, was the original owner of the property, comprised in S.F.No.94/1A and 1 B, Agoor Group, Amirthapuram Village, Tiruttani Taluk, Tiruvallur District. He executed a registered Settlement Deed, dated 13/3/1968 (Doc.No.714/1968) with regard to an extent of 2.70 acres in the name of petitioner's mother K.Prabhavathi and the remaining 2.27 Acres in the name of O.Srinivasa Chetty. The above said extent of lands had been converted into 45 plots and sold to number of individuals. The petitioner's mother had executed a settlement deed, dated 25/3/1987, in respect of Plot No.44, in the name of the petitioner. But with the help of rowdies, some persons had created the false documents and occupied Plot No.44.

5. In the aforesaid circumstances, the petitioner had submitted a representation dated 5/2/2015 to the first respondent, who in turn forwarded to the Superintendent of Police, Thiruvallur District and the Revenue Divisional Officer, Tirutani for taking necessary action. In view of the inaction on the part of the respondents, the petitioner had sent representations dated 30/3/2015 and 13/4/2015 to the first respondent.

6. In order to curb the misdeeds, the Government has issued Circular No.67, dated 3/11/2011 which has been upheld by this Court on 17/7/2014. Under such circumstances, the petitioner had filed W.P.No.13686 of 2015, to consider and dispose of the representations of the petitioner dated 30/3/2015 and 13/4/2015. Vide order dated 30/4/2015, this Court directed the respondents 1 and 2 to dispose of the representations of the petitioner dated 30/3/2015 and 13/4/2015, within a period of three months, from the date of receipt of the copy of the said order.

7. After conducting enquiry, the first respondent had directed the second respondent, to include the name of the petitioner and five others as co-pattadars, relating to the aforesaid property. After the receipt of the said order, the petitioner had sent representations dated 18/1/2016 and 1/2/2016, to the first respondent, to issue direction to the second respondent, to include the name of the petitioner as co-pattadar. Since no action has been taken by the second respondent, the petitioner has come forward with the present writ petition.

8. Without going into the merits of the claim of the petitioner, the second respondent is directed to implement the order of the first respondent by including the name of the petitioner as co-pattadar, as per the order made in Na.ka.No.11067/2015/N2, dated 14/9/2015, passed by the first respondent, in respect of Plot No.44, bearing S.No.94/1A Agoor

Group Amirthapuram Village, Tirutani Taluk, by considering the representation of the petitioner, dated 1/2/2016, within a period of six weeks, from the date of receipt of a copy of this order, if there is no other legal impediment. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Tahsildar,
Tiruttani Taluk,
Tiruvallur District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.12845
+1cc to the Government Pleader, S.R.No.12900

W.P.No.7227 of 2016

svi(CO)
srg(14/03/2016)

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