

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.7249 of 2016

T.Babu Naidu

... Petitioner

Vs

1. The Sub-Collector
Cheyyar
Tiruvannamalai District.

2. The Tahsildar
Cheyyar Taluk
Tiruvannamalai 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 sub-divide the land in S.No.146/5 based on the representation of the petitioner dated 21/4/2015 and pursuant to the communication of the first respondent dated 14/4/2015.

For Petitioner ... Mr.R.Karthikeyan

For respondents ... Mr.P.Sanjay Gandhi
Additional 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, at the admission stage itself.

2. Heard Mr.R.Karthikeyan, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed, praying to direct the second respondent, to sub-divide the land in S.No.146/5, based on the representation of the petitioner, dated 21/4/2015 and pursuant to the communication of the first respondent dated 14/4/2015.

4. In the affidavit filed in support of the writ petition, the writ petitioner states that originally, Sosubbu Naidu, V. Parthasarathy Naidu and Govindappa Naidu had purchased a land measuring to an extent of 61 cents in S.No.146/5, situate in Maangal Village, by way of a sale deed, dated 25/1/1941. Subsequent to the above purchase, the aforesaid persons had sold an extent of 15 cents on the southern side, by way of a sale deed dated 25/2/1959 on the file of SRO, Cheyyar. The petitioner's father died on 3/10/1983 and after his demise, the above said property devolved upon him and the petitioner is in absolute enjoyment and possession of the property.

5. When the matter stood thus, the property in S.No.146/5 was sub-divided into S.No.146/5A, 146/5B and 146/5C, wherein, UDR patta for S.No.146/5A, 146/5B and 146/5C were granted to Kanniammal, Varadarajulu Naidu and Maangal Village Panchayat respectively but however, the petitioner's property to an extent of 15.3 cents in S.No.146/5 was not sub-divided and the petitioner had not been granted patta.

6. Hence the petitioner had made a representation to the first respondent, dated 21/4/2015. Since the same has not been considered so far, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

7. Without going into the merits of the claim of the petitioner, the petitioner is hereby directed, to give a copy of the representation, dated 25/11/2015, to the second respondent, within a period of two weeks, from the date of receipt of a copy of this order and on receipt of the same, second respondent is hereby directed, to consider the representation of the petitioner, dated 25/11/2015, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks, from the date of receipt of the said representation, by affording an opportunity of personal hearing, to the petitioner as well as to the parties concerned. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

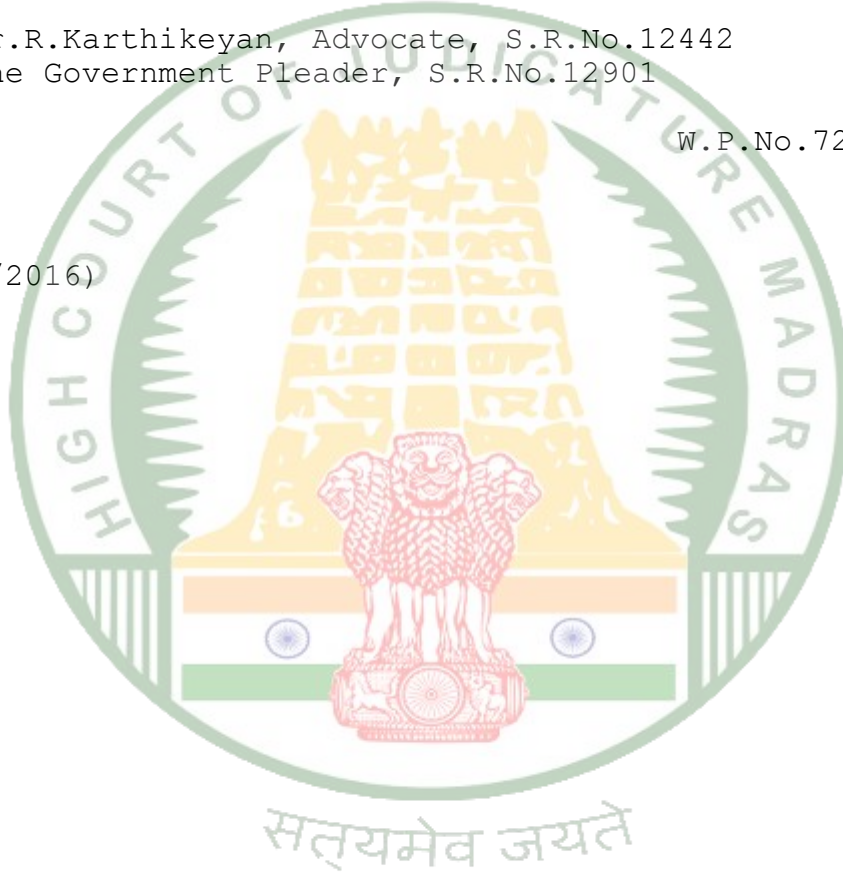
To

1. The Sub-Collector,
Cheyyar,
Tiruvannamalai District.
2. The Tahsildar,
Cheyyar Taluk,
Tiruvannamalai District.

+lcc to Mr.R.Karthikeyan, Advocate, S.R.No.12442
+lcc to the Government Pleader, S.R.No.12901

W.P.No.7249 of 2016

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



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