

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8727 of 2016

M.Sadhuram

.. Petitioner

Vs.

1. The District Collector,
Thiruvallore District,
Thiruvallore.
2. The Commissioner,
Tamil Nadu Information Commission,
No.2, Thyagaraja Road, Teynampet,
Chennai-600 018.
3. The Public Information Officer,
Office of the Madhavaram Tahsildar,
Madhavaram Taluk Office,
Thiruvallur District.
4. Pon Baskaran .. 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 supply the documents mentioned in the RTI application, dated 18.08.2014 to the Information Officer, the Tahsildar, Madavaram Taluk, requesting him to furnish the FMB sketch showing the lands coming under Patta No.10085 and 11411 and the boundaries to that land and the proceedings for the issuance of Patta No.11411 in the name of Mr.Pon Baskaran, with the reason for issuance of the above Patta No.11411 without issuing any notice to the petitioner wherein the Patta No.10085 stands in the petitioner's name.

For Petitioner : Mr.N.P.Kumar

For Respondents : Mr.R.A.S.Senthil Vel,
Addl.G.P. for RR-1 to 3

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to supply the documents mentioned in the RTI application, dated 18.08.2014 to the Information Officer, the Tahsildar, Madavaram Taluk, requesting him to furnish the FMB sketch showing the lands coming under Patta No.10085 and 11411 and the boundaries to that land and the proceedings for the issuance of Patta No.11411 in the name of Mr.Pon Baskaran, with the reason for issuance of the above Patta No.11411 without issuing any notice to the petitioner, wherein the Patta No.10085 stands in the petitioner's name.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that himself, along with his brother, purchased the land measuring 25 cents (10.5 ares) facing Ambattur-Redhills Road in Surapet Village in S.No.202A/4 and 25 cents in S.No.201A/3A from one V.R.Devi on 07.02.2007 by Document No.1377/2007 and from that date, they are in possession and enjoyment of the property. It is further stated by the petitioner that himself and his brother obtained Patta No.10085 in their name for the entire 50 cents jointly under RPT No.8544/2007, dated 29.08.2007 by replacing the earlier Patta No.10048 in the name of V.R.Devi, who is the petitioner's predecessor-in-title. It is further stated that the property was purchased by V.R.Devi in the year 1997 from Veemaraj, who purchased the same in the year 1986 from one Parthasarathy. While so, the petitioner received summons from the Court that the fourth respondent filed a suit for injunction on the ground that the land in S.No.202A/4 belongs to him and claims that he had Patta in his name for the land in Patta No.11411. On verification of the records filed in the Court, the petitioner noticed that the Patta given in their name, was transferred in the name of the fourth respondent without any notice to the petitioner. Hence, the petitioner filed an application under RTI on 18.08.2014 to the Information Officer, the Tahsildar, Madavaram Taluk, requesting him to furnish the FMB sketch showing the lands coming under Patta Nos.10085 and 11411 and the boundaries to that land and the proceedings for issuance of Patta No.11411 in the name of the fourth respondent. As there was no response from the Information Officer, the petitioner sent subsequent applications to various authorities on various dates. Since no action is taken, the petitioner has filed the Writ Petition for the above relief.

3. Heard both sides. In view of the order that is going to be passed, it is not necessary to issue notice to the fourth respondent.

4. Taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court directs the third respondent to consider the said RTI application, dated 18.08.2014 of the petitioner and after conducting enquiry and giving an opportunity of hearing to the petitioner and necessary parties, including the fourth respondent, pass appropriate orders and dispose of the said RTI application, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Copy to

1. The District Collector,
Thiruvallore District,
Thiruvallore.
2. The Commissioner,
Tamil Nadu Information Commission,
No.2, Thyagaraja Road, Teynampet,
Chennai-600 018.
3. The Public Information Officer,
Office of the Madhavaram Tahsildar,
Madhavaram Taluk Office,
Thiruvallur District.

+1cc to Mr.N.P.Kumar, Advocate, S.R.No.15143
+1cc to the Government Pleader, S.R.No.15676

W.P.No.8727 of 2016

ak(CO)
srg(21/03/2016)