

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.9054 of 2016

K.Muniappa

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District
Krishnagiri

2. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to issue patta in respect of the land in S.Nos.160/3 and 161/5 of Devarulimangalam, Denkanikottai Taluk based on the petitioner's representation dated 29.06.2015.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.S.Pattabiraman
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed to direct the 2nd respondent to issue patta in respect of the land in Survey Nos.160/3 and 161/5 of Devarulimangalam, Denkanikottai Taluk based on the petitioner's representation dated 29.06.2015.

3. The petitioner's father, namely, Kensa Muniappa purchased an extent of 58 cents in Survey Nos.160/3 and 161/5 at Devarulimangalam Village, Denkanikottai vide document no.22 of 1961 dated 31.12.1960 and he was in possession of the property. The petitioner's father died leaving behind the petitioner as his sole legal heir. Thereafter, the petitioner inherited the said property. The lands in survey nos.160/3 and 161/5 are in possession and enjoyment of the petitioner. The patta records produced by the petitioner was standing in the name of one Kanniappa, in Patta No.290. The patta

regarding the land in survey nos.160/3 and 161/5 should be issued to the petitioner. Hence the petitioner made several representations to the respondents in this regard. However, the entry in the 'A' register still continue to stand in the name of Kannappa, predecessor in title of petitioner's father. The representations sent by the petitioner were not considered so far. The petitioner's last representation dated 29.06.2015 was received by the 1st respondent in Petition No.D.D./15/06572 and acknowledged the receipt thereof, but the said representation was also not considered. Therefore, petitioner has come forward with this Writ Petition praying to issue a Writ of Mandamus directing the respondents to consider his representation dated 29.06.2015.

4. Heard the learned counsel on either side and perused the documents available on record.

5. Without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation of the petitioner dated 29.06.2015 by affording opportunity of personal hearing to the petitioner as well as to all the necessary parties and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order. However, it is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the 2nd respondent to decide the issue purely on merits and in accordance with law.

This Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

ssd
To

Sub Assistant Registrar

1. The District Collector,
Krishnagiri District
Krishnagiri

2. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District

+1cc to Mr.M.Selvam, Advocate, S.R.No.15472
+1cc to the Government Pleader, S.R.No.15719

W.P.No.9054 of 2016

RSY(CO)
CA(23/03/2016)

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