

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.9058 of 2016 and
W.M.P.No.8057 of 2016

K.Srinivasan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Cuddalore.

2. The Tahsildar,
Taluk Office,
Panruti

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to pass final orders on the petition dated 05.02.2014 for issuing Patta in the name of the petitioner with reference to Ward A, Block 56, T.S.No.11 of Panruti Village, Cuddalore District forthwith.

For Petitioner : Mr.V.Anand

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader

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 1st and 2nd respondents to pass final orders on the petition dated 05.02.2014 for issuing Patta in the name of the petitioner with reference to Ward A, Block 56, T.S.No.11 of Panruti Village, Cuddalore District forthwith.

3. The property in Ward A, Block 56, T.S.No.11, measuring about 0.0278 sq.meters belongs to the petitioner through a registered settlement deed dated 24.01.2013 executed by petitioner's father, namely, S.Krishnaswamy vide document no.205 of 2013. Subsequent to the settlement deed executed in favour of the petitioner, he gave an application to the 2nd respondent dated 29.11.2013 to transfer the patta in his favour. Thereafter, the 2nd respondent conducted a detailed enquiry on 21.05.2014 and the property was demarcated.

4. Even prior to the said investigation by the 2nd respondent, a notice was sent to one Mrs.Rajarahini for enquiry. The said Rajarahini is in possession and enjoyment of T.S.No.15 in the same Ward A Block 56 and is the owner of 0.0212 square meters, she has also built a house in the said property and the same is also assessed to the house tax with Municipality.

5. The 2nd respondent conducted detailed enquiry after receiving the report of the Taluk Surveyor. During the enquiry, petitioner produced title deeds and proof of possession of T.S.No.11 in Block 56 Ward A of Panruti Municipality for an extent of 0.0278 Sq.meters, but and the said Rajarahini did not appear. Therefore, the 2nd respondent concluded the enquiry on 31.05.2014. Since the petitioner settled at Chennai, his brother, namely, K.Parthasarathy was requested to pursue the matter with the 1st respondent. However, the respondents did not intimate the result of the enquiry. Hence the petitioner made petition/ representation to the 2nd respondent on 05.02.2014. Even though two years have elapsed from the date of representation till date no order has been passed by the respondents. The said Rajarahini is also not interested in co-operating with the enquiry. Hence the counsel for respondent prayed for suitable direction to respondents.

6. Considering the submission of the petitioner, this Court directs the petitioner to furnish a fresh representation to the 2nd respondent along with copy of this order and on receipt of the same, the 2nd respondent is directed to consider the said representation by affording opportunity of personal hearing to the petitioner as well as to the necessary parties and pass an appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of the order. Consequently connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssd

To

1.The Revenue Divisional Officer,
Cuddalore.

2. The Tahsildar,
Taluk Office,
Panruti

+1 cc to Mr.V. Anand, Advocate, S.R.No.16113

+1cc to the Government Pleader, S.R.No.15697

MSM(CO)
EU(24/03/2016)

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