

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9549 of 2016

Dharmarajan,
represented by power agent
D.Tamilselvi

... Petitioner

Vs.

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Tahsildar,
Jayankondam Taluk,
Ariyalur District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 11.12.2015.

For Petitioner : Mr.P.Anbazhagan

For Respondents : Mr.V.J.Ramesh,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 11.12.2015.

3. It is the case of the petitioner that the land comprised in Survey No.297/1E originally belonged to his father M.Kaliyaperumal and one B.Kaliyaperumal. The said B.Kaliyaperumal allotted his share of 84 cents to his son Balakumar. Thereafter, on 10.10.2002, vide document No.1694 of

2002, the said Balakumar sold the said 84 cents to one Govindasamy. Thereafter, the said M.Kaliyaperumal allotted his share of 1.42 acres of land to the petitioner herein through a settlement deed, which was registered as document No.396 of 2010. After that, the petitioner is in possession and enjoyment of the same. While so, while issuing joint patta, instead of including the name of the petitioner, the second respondent wrongly included the name of said Balakumar, who is not the real owner of the property. Though the said Balakumar sold out his property long back, now, he is trying to claim his right over the petitioner's land on the ground that his name has been mentioned in the joint patta. Hence, the petitioner made a representation dated 11.12.2015 to the respondents seeking removal of the name of the said Balakumar from the joint patta and inclusion of his name. Though the said representation was received by the second respondent, till date, he has not taken any action on the said representation. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider his representation dated 11.12.2015.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 11.12.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the said Balakumar and other necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Tahsildar,
Jayankondam Taluk,
Ariyalur District.

+ 1 cc to Mr.P.Anbazhagan, Advocate Sr 16273

+ 1 cc to The Govt.Pleader, Sr 16634

KR/29/3/16

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