

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9658 of 2016

Ramu

... Petitioner

Vs.

1. The District Collector
Kancheepuram District.

2. The District Revenue Officer
Collector Office Campus,
Kancheepuram.

3. The Tahsildar
Thiruperumandur,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents to consider the petitioner's application, dated 03.08.2015 and consequently, conduct enquiry and pass an order to cancel the name of Kuppusamy Naicker s/o Narayanasamy Naicker in Patta o.418 and issue patta in the name of legal heirs of the petitioner's predeceased father, within the specific period of time fixed by this Court.

For Petitioner : Mr.D.Magesh

For Respondents: Mr.R.A.S.Senthilvel, AGP

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondents to consider the petitioner's application, dated 03.08.2015 and consequently, conduct enquiry and pass an order to cancel the name of Kuppusamy Naicker s/o Narayanasamy Naicker in Patta o.418 and issue patta in the name of legal heirs of the petitioner's predeceased father, within the specific period of time fixed by this Court.

2. The petitioner has averred in the affidavit that his father, namely Kuppusamy Naidu s/o. Aathishesha Naidu has owned a land at S.No.85 B-2 to the extent of 3 acres and 1.5 cents at Somamangalam village, Thiruperumandur, Kancheepuram District. Till 1985, before the UDR survey, all the Government records stands in the name of his father Kuppusamy Naidu and the patta also stands in the name of his father in Patta No.418. Then after UDR survey, Patta No.418 stands in the name of Kuppusamy Naicker s/o. Narayanasamy Naicker instead of his father's name. After knowing the mistake of the respondents, the father of the petitioner filed a petition before the third respondent in the month of June 2002 to change the name in the patta. The said petition was numbered as J.P.1495 of 2002, but no action was taken on the same and thereafter, the father of the petitioner died on 06.09.2005, leaving behind the petitioner and 4 others as his legal heirs. Thereafter, the petitioner had sent a letter to the Public Information Officer on 11.08.2012 under Right to Information Act, seeking status of the application of his father.

3. According to the petitioner, the Public Information Officer had not furnished any information about the application of the petitioner, dated 11.08.2012. Hence, the petitioner preferred another application on 07.06.2014, but there was no response to petitioner's applications. Hence, on 09.08.2014, the petitioner preferred an appeal and on 04.10.2014 preferred second appeal before the State Information Commissioner, Tamil Nadu. The said appeal had been numbered as Case No.35932/A/2014 and ordered on 09.07.2015. Thereafter, the Public Information Officer, through his letter, dated 08.07.2015, informed the petitioner that his father's application was not found in their office. Hence, the State Information Commissioner of Tamil Nadu, directed the petitioner to submit an application to the second respondent to change the name in the patta. Accordingly, the petitioner submitted an application to the second respondent on 03.08.2015. But till now, the second respondent has not passed any order in the said application of the petitioner. Hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

4. Heard the learned counsel appearing for the petitioner as well as the learned AGP appearing for the respondents.

5. Considering the facts and circumstances and after hearing the submissions of both sides and pursuing the material papers, without going into the merits of the matter, I am of the opinion to direct the second respondent to consider the application of the petitioner, dated 03.08.2015 and pass orders. Accordingly, the second respondent is directed to consider the application of the petitioner, dated 03.08.2015, and pass appropriate orders,

after affording reasonable opportunity of hearing to the petitioner as well as to all the necessary parties, within a period of Eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not passed any order on merits and it is for the second respondent to decide the issue purely on merits and in accordance with law, after affording reasonable opportunity of hearing to all necessary parties.

6. With the above observations, this writ petition is disposed of. No costs.

tsvn

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Kancheepuram District.
2. The District Revenue Officer
Collector Office Campus,
Kancheepuram.
3. The Tahsildar
Thiruperumandur,
Kancheepuram District.

+ 1 cc to M/s.D.Magesh, Advocate SR 16924

+ 1 cc to The Govt.Pleader, SR 16991

KR/1/4/16

सत्यमेव जयते

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