

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9672 of 2016

M.Kannappan

... Petitioner

Vs.

1.The Tahsildar,
Egmore, Nungambakkam Taluk,
Chennai.

2.The Asst. commissioner,
Area-VIII,
Chennai Corporation, Lake Area,
Valluvar Kottam, Chennai.

3.The Joint Sub Registrar-II,
Thousand Light,
Chennai.

4.M.Ashraff

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of the representation, dated 27.01.2016, of the petitioner, within a stipulated period on merit basis.

For Petitioner : Mr.K.Shahul Hameed

For respondents : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 27.01.2016 with a time limit.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner is the owner the property bearing Old Door No.6, New Door No.3, Gulam

Abbas Ali Khan, 1st Lane, Thousand Lights, Chennai and he is in possession of the same. The said property was purchased by the petitioner through the Sale Deed dated 19.01.1977, which was registered as Doc.No.241/1977 on the file of the Sub-Registrar, T.Nagar, Chennai. The petitioner has further stated that the patta, dated 22.11.1976, in respect of the said property, was issued in the name of the previous owners of the above said property, namely one Mr.K.S.Ismail and two others. As per that patta, the above said property is situated in Survey No.56/132 and the sketch annexed with the Patta would show the boundaries for the above said property. As per the sketch, the property is surrounded by the properties situated in S.Nos.56/70, 56/129, 56/4 and 56/3. As per the sketch, the land in S.No.56/129 is situated on the eastern side of the petitioner's property. Beyond this property, the land in R.S.No.56/66A belongs to one Mr.Selvaraj.

2-2.It is further stated by the petitioner that for the property, which belongs to Mr.Selvaraj, a new patta was issued by the 1st respondent as if it is situated in S.No.5/129, Block No.1, Nungambakkam Division. The legal heirs of Mr.Selvaraj are entitled to transfer patta only for the land in S.No.56/66A, as the previous patta issued in the name of Mr.Selvaraj is only for the land situated in S.No.56/66A. But, by tampering the revenue records, in the said patta, S.No.56/129 was included. Hence, the petitioner made a representation, dated 27.01.2016 to the 1st respondent. But, there is no response from the 1st respondent. Hence, the petitioner has come forward with the present writ petition before this Court.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 1st respondent to consider the representation dated 27.01.2016 given by the petitioner and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, if any, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

tsvn/ssv

To,

- 1.The Tahsildar,
Egmore, Nungambakkam Taluk,
Chennai.
- 2.The Asst. commissioner,
Area-VIII,
Chennai Corporation, Lake Area,
Valluvar Kottam, Chennai.
- 3.The Joint Sub Registrar-II,
Thousand Light,
Chennai.

1 cc to Mr.K. Shahul Hameed, Advocate, Sr. 16670
1 cc to Government Pleader, Sr. 16989

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