

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9926 of 2016

Tmt.V.Thamizharasi

.. Petitioner

Vs.

1. The Tahsildar,
Aminjikai Taluk,
Koyambedu,
Chennai-600 107.

2. Special Tahsildar,
Natham Land Scheme,
Tahsildar's Office,
Aminjikai Taluk,
Chennai-600 017.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider the representation sent by the petitioner, dated 08.03.2016 within the time that may be stipulated by this Court.

For Petitioner : Mr.S.V.S.Ilamvazhuthi

For Respondents : Mrs.R.Rajalakshmi, Govt. Advocate

ORDER

The petitioner prays for issuance of a Writ of Mandamus to direct the second respondent to consider the representation sent by the petitioner, dated 08.03.2016 within the time that may be stipulated by this Court.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that she is residing in Anna Street, Old Thirumangalam, Chennai, for the past 15 years and she is living with her husband (driver) with their two daughters. The Village Panchayat collected soil tax of Rs.15/- from her. Initially, the plot of the petitioner was numbered as No.16 and after her marriage, her mother separated the land to the petitioner and provided Door No.16-A and as such, she is living there from 2003. The petitioner has got Family Ration Card, Voter's Identity Card and Aadhar Card and had been paying

house tax, sewerage tax and electricity connection charges. The petitioner's brother quarreled with her regarding the plot where she is living; hence, she lodged a complaint, which was refused to be received by the Police; the Police advised her to approach Civil forum. Therefore, she filed O.S.No.6231 of 2008 on the file of the XIII Assistant Judge, City Civil Court, Chennai and from the said Court, she also obtained a decree of permanent injunction on 01.02.2012 restraining the defendants therein from vacating her from the said plot.

3. It is further stated by the petitioner that having known that the second respondent gives free land patta, the petitioner gave a representation, dated 14.03.2012 to the second respondent, who also measured her land and received copy of the documents from her. The second respondent not only surveyed her house, but also the land of the people who are residing in Anna Street.

4. Subsequently, as there was no response from the second respondent, she filed a Writ Petition before this Court in W.P.No.12985 of 2012 and on 04.05.2012, this Court directed the fourth respondent therein (Tahsildar) to consider and dispose of the petitioner's representation, dated 14.03.2012. In response to the said order of this Court, the second respondent herein sent reply, dated 26.10.2012 stating that in the "Draw Remarks", the petitioner's mother's name has been shown, that the petitioner has not been issued with any document copy and that the land is classified as "Village Natham", which is a Government land. It is further stated by the second respondent that prohibition order is enforced for the Chennai District to issue the Government Land Allotment Patta and hence, the request of the petitioner for issuance of the Government Land Allotment Patta could not be considered. After receipt of the said reply from the second respondent, the petitioner approached the second respondent, who advised her to contact them after six months.

5. It is further stated by the petitioner that her neighbours received patta from the respondents' office on 17.08.2015; when she approached the second respondent, the second respondent informed her that the patta will be issued in three months. Even after a lapse of five months, she has not been issued with any patta. Hence, she gave another representation, dated 08.03.2016 to the second respondent for inspection of her property in Door No.16-A and to issue patta, for which, she informed that she is ready to bear the required expenses. Since the second respondent has not taken any action, she has filed this Writ Petition for the above relief.

6. Heard both sides.

7. Considering the limited scope of the prayer made in the Writ Petition, taking into consideration the above facts and circumstances of the case and without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the said representation, dated 08.03.2016 of the petitioner, conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties, including the family members of the petitioner and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, 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 expressed any opinion on the merits of the claim of the petitioner and it is for the second respondent to decide the same.

8. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Tahsildar,
Aminjikarai Taluk,
Koyambedu,
Chennai-600 107.

2. Special Tahsildar,
Natham Land Scheme,
Tahsildar's Office,
Aminjikarai Taluk,
Chennai-600 017.

+1cc to Mr.SVS.Ilamvazhuthi, Advocate, S.R.No.17040

+1cc to the Government Pleader, S.R.No.17361

RSI (CO)
EU(05/04/2016)

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