



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.15522 of 2016

Natesan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thanjavur Taluk
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's representation, dated 16.06.2016, within a stipulated time, as may be fixed by this Court.

For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. According to the Petitioner, his mother purchased a property in S.No.143/2 in Plot No.12, measuring an extent of 4800 sq.ft during the year 1984. From the date of purchase, his mother is in peaceful possession and enjoyment of the said property and all the revenue records stands in her name.

5. As a matter of fact, his mother died in the year 2007, leaving behind her five sons and three daughters and executed a 'Will' in respect of the properties. As per the 'Will', the Petitioner and his younger brother T.Chandramouleeswaran are bequeathed with the aforesaid house-site properties.



6. The stand of the Petitioner is that soon after the demise of his mother, the 'Will' came into force and in fact, he had sent a representation through Registered Post on 16.06.2016, addressed to the Respondents, requesting them to consider his grievance and to issue a joint-patta. However, the Respondents, after receiving his representation, had not moved their little finger in this regard. Hence, he has filed the present Writ Petition.

7. At this stage, it is represented by the Learned Additional Government Pleader for respondents that the Petitioner was called for an enquiry, based on his representation, dated 16.06.2016, but he had not appeared for enquiry, on the said date.

8. Considering the fact that the Petitioner's representation, dated 16.06.2016, is pending before the Second Respondent / Tahsildar, Thanjavur Taluk, Thanjavur, without any progress, as on date, this Court, simpliciter, directs the Second Respondent / Tahsildar, Thanjavur Taluk, Thanjavur, to look into the representation of the Petitioner, dated 16.06.2016, and to dispose of the same, on merits (Of-course, after providing necessary opportunity to the Petitioner and others concerned, by following the principles of natural justice), within a period of six weeks.

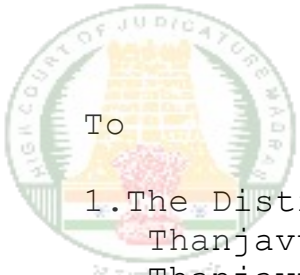
9. It is open to the Second Respondent / Tahsildar, Thanjavur Taluk, Thanjavur, to call for necessary records from the Petitioner or to seek any certified copy of records, relevant to the decision being arrived at in regard to the representation of the Petitioner, dated 16.06.2016 and in this regard, the Second Respondent / Tahsildar, Thanjavur Taluk, Thanjavur, shall issue a Memo / Notice to the Petitioner, requiring the Petitioner to submit the same within a time frame to be determined by him. Soon after receipt of necessary records / copy of the documents, the Respondent / Tahsildar, Thanjavur Taluk, Thanjavur District, shall pass necessary orders, based on the representation of the Petitioner, dated 16.06.2016, within the time adumbrated by this Court, as stated supra. The Petitioner is directed to lend his assistance and co-operation to the Second Respondent, so as to enable the latter to dispose of his representation, dated 16.06.2016, within the time determined by this Court.

10. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thanjavur Taluk
Thanjavur.

+1cc to MR.D.Ramesh Kumar, Advocate SR.No.46241
+1cc to special Government Pleader SR.No.46513

mpk

sm:CK:01/09/2016:3P/5C

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22.08.2016