



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE M. VENUGOPAL**

W.P(MD)No.16382 of 2016

Rathinam

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Thasildar,
Krishnarayapuram Taluk,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 2nd Respondent to dispose of the Petitioner's representation, dated 22.02.2016 requesting to issue joint patta to include the Petitioner's name along with other legal heirs of the Petitioner's father, within a stipulated time.

For Petitioner	: Mr.S.Gokul Raj
For Respondents	: Mr.J.Gunaseelan Muthaiah, Government Advocate

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, on 24.01.1957, a house plot was allotted to his father C.Thangavel under Harijan Welfare Scheme in S.F.No.236/28 measuring an extent of 0.03.22 Hectare of land. Subsequently, his father had constructed Two Tiled Houses. His father expired on 13.01.1988 and his mother died on 25.04.2014. After the demise of his father, he along with other legal heirs are entitled for the house property constructed by his father.

3. The prime plea taken on behalf of the Petitioner is that patta in respect of Survey No.236/28, though stand in the name of his father, later, after the death of his father, his brother namely Saminathan, had obtained patta individually without showing the other legal heirs. In the meanwhile, the said Saminathan died and



his son Ranjithkumar, was included in the patta in patta passbook No.14.

4. While that be the fact situation, it comes to be known that the Petitioner had addressed a representation to the Special Tahsildar(Harijan Welfare Scheme) under R.T.I Act for receiving information as regards the aforesaid survey number. On 24.02.2016, the Special Tahsildar Harijan Welfare Scheme), had sent a reply stating that since the records are 59 years old, he is not in a position to furnish information. But, permitted him to peruse/see the records. In fact, he had seen the records as per the letter issued by the Special Tahsildar(Harijan Welfare Scheme) and he confirmed that the said land was allotted to his father and the patta do stand in the name of his father.

5. It transpires that even before that, on 22.02.2016, the Petitioner made a representation in person before the Second Respondent, seeking issuance of joint patta to include his name together with other legal heirs of his father. Since no action has been taken by the Second Respondent, on 07.03.2016, he approached the First Respondent/District Collector, Karur District and requested to initiate appropriate action to issue joint patta including his name together with other legal heirs of his father namely Thangavel. Since no action has been taken by the First Respondent in this regard, he has filed the present Writ Petition before this Court.

6. Considering the fact that the Petitioner's representation, dated 22.02.2016 addressed to the Second Respondent/Thasildar, Krishnarayapuram Taluk, Karur District, is pending as on date, in the subject matter in issue, without any significant progress or disposal, at this stage, this Court to secure the ends of justice and to promote the substantial cause of justice, simpliciter, directs the Second Respondent to take up the Petitioner's representation, dated 22.02.2016 and to dispose of the same within a period of four weeks from the date of receipt of a copy of this order (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants). Needless for this Court to make a significant mention that the Petitioner is to render his assistance and unstinted co-operation to the Second Respondent in the subject matter in issue, so as to enable the latter to do the needful in his favour within the time afore stated.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (AS)

/True Copy/



1.The District Collector,
Karur District,
Karur.

2.The Thasildar,
Krishnarayapuram Taluk,
Karur District.

+1cc to M/S Special Government Pleader, Sr No. 48619

+1 cc to Mr.S.GOKULRAJ ,Advocate, Sr.No: 48983

JAM/DB/15.09.16/ 3P-5C

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