

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6469 of 2017

Suresh Bafna

..

Petitioner

Vs

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.

2. The District Revenue Officer,  
O/o.The District Collector,  
Kancheepuram District  
Kancheepuram.

3. The Tahsildar,  
Cheyyur Taluk Office,  
Kancheepuram District

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3<sup>rd</sup> respondent to consider the petitioner's representation dated 30.08.2016 in the light of the direction issued by the 2<sup>nd</sup> respondent to the 3<sup>rd</sup> respondent vide its proceedings in Oo.Mu.18882/2016/No.4 dated 21.10.2016, by conducting a field survey and mutate the revenue records such as patta, chitta, adangal etc in to the petitioner's name by

incorporating the present sub-divided survey numbers, after properly identifying the same in correlation with the petitioner's property originally comprised in old survey Nos.44/1 and 44/2 totally measuring an extent of 0.50 acres, situated at No.154, Kesavarayanpettai Village, Cheyyur Taluk, Kancheepuram District.

For Petitioner : Mr.R.Gopinath

For Respondents : Mr.S.Doraisolaimalai, AGP

### ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.V.Doraisolaimalai learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

**2** The Petitioner through a registered Sale Deed bearing Doc.No.1131 of 1993 dated 27.09.1993, registered on the file of the Sub-registrar, Acharapakkam, had purchased a land and superstructure admeasuring an extent of 0.27 cents in punja survey No.44/1 and 0.50 cents in Punja survey No.44/2 situate at Kesavarayanpettai Village, Melmaravathur Panchayat, Chengalput District [now Kancheepuram District] and claims that right from the

date of purchase, he is in possession and enjoyment of the same. It is further averred by the petitioner that the rival claimant, viz., Mr.Thambiran, had filed O.S.No.341/1996 on the file of the Court of District Munsif at Madurantakam, against the petitioner herein and three others, praying for declaration to his title to the suit property in Survey No.44/1C & 2C admeasuring an extent of 0.09 hectares and 0.08 hectares situated in the same village and also permanent injunction restraining the defendants from in any way interfering with the petitioner's peaceful possession and enjoyment. The petitioner, as the 1<sup>st</sup> defendant, has contested the suit and the above Sale Deed, in and by which, he has purchased the property, was marked as Ex.B2 and the suit, after contest, came to be dismissed on 24.02.2005. The plaintiff, viz., Mr.Thambiran, aggrieved by the dismissal of the suit, filed an appeal in A.S.No.17 of 2005 on the file of the Court of Subordinate Judge, Madurandagam and the Lower Appellate Court, vide judgment and decree dated 23.08.2006, has dismissed the said appeal. The appellant / plaintiff viz., Mr.Thambiran aggrieved by the dismissal of the appeal suit, filed S.A. No.463 of 2007 on the file of the this Court and it was entertained and later on, the appeal was withdrawn and the second appeal was dismissed as withdrawn on 27.07.2016.

**3** The learned counsel for the petitioner submit that after disposal of the second appeal, the petitioner herein submitted representations dated 30.08.2016 and 14.10.2016 to the respondents 2 & 3 respectively, praying for subdivision and issuance of patta in respect of the property purchased by him under the registered Sale Deed dated 27.09.1993 and in spite of receipt and acknowledgment, he is yet to be favoured with any kind of response and therefore, the petitioner came forward to file the present writ petition.

**4** Heard the submissions of the learned counsel for the petitioner and Mr.S.V.Doraisolaimalai, learned Additional Government Pleader appearing for the respondents 1 to 3.

**5** This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 3<sup>rd</sup> respondent to take into consideration the communication in Memo No.Oo.Mu.18882/2016/No.4 dated 21.10.2016 sent by the office of the 1<sup>st</sup> respondent and pass

orders on the applications/representations dated 30.08.2016 and 14.10.2016 submitted by the petitioner, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

**6** The writ petition stands disposed of with the above direction. No costs.

16.03.2017

speaking order

Index : No

Internet : Yes

AP/rka

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M.SATHYANARAYANAN J  
AP/RKA

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