

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.9972 of 2017

1 Rani [Petitioners]
2 Saraswathi

Vs

1 The Thasildar of Thiruporur
Office of the Tahsildar, Thiruporur
Thiruporur Post Kancheepuram District
2 Ponnaiah
3 Sumathi [Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent namely the Thasildar of Thiruporur Taluk to consider and take action on the petition of the petitioner dated 6.6.2016 within a time to be stipulated by this Court.

For Petitioners : Mr.N.E.A.Dinesh

For Respondents : Mrs.K.Bhuvaneswari, GA (R1)

ORDER

Mrs.K.Bhuvaneswari, learned Government Advocate, takes notice for the 1st respondent.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioners have filed the above writ petition to issue a writ of mandamus directing the first respondent namely the Tahsildar, Thiruporur Taluk, to consider and take action on their representation dated 06.06.2016 within a time frame.

4. It is the case of the petitioners that they took possession of the property through Court in the Execution Proceedings in E.P.No.11 of 2014 on the file of the District Munsif Court, Chengalpattu. Further, in the said Execution Proceedings, respondents 2 and 3 have filed an application

claiming right over the suit property and the Executing Court, had dismissed the application filed by respondents 2 and 3, against which, the respondents 2 and 3 have filed a Civil Revision Petition in C.R.P.(NPD)No.4789 of 2015 before this Court and this Court, by order dated 22.01.2016 dismissed the Civil Revision Petition and confirmed the order passed by the Executing Court.

5. The learned counsel for the petitioner submitted that the order passed by this Court in CRP(NPD)No.4789 of 2015 has become final since the respondents 2 and 3 have not filed any appeal to the Hon'ble Supreme Court of India. Thereafter, the petitioners have filed an application before the Tahsildar for issuance of Patta.

6. The learned counsel appearing for the petitioners submitted that though the application was given as early as on 06.06.2016, the 1st respondent has not considered the same and passed any order so far.

7. Mrs.K.Bhuvaneswari, learned Government Advocate, appearing for the 1st respondent submitted that the 1st respondent may be directed to consider the petitioners' application dated 06.06.2016 and pass orders in accordance with law, within a time frame.

8. Having regard to the submissions made by the learned counsel on either side, in view of the reasons stated above, I direct the 1st respondent to consider the petitioner's application dated 06.06.2016 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

The Thasildar of Thiruporur
Office of the Tahsildar, Thiruporur
Thiruporur Post Kancheepuram District

+1 cc to Mr.V.Nicholas,advocate,sr.24587

+1 cc to Govt.Pleader,sr.25010.

rj(co)

krd 26/4

<https://hcservices.ecourts.gov.in/hcservices/>

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