

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.3587 of 2017

L.Baskaran

... Petitioner

vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

3. Padmavathy

4. Sujatha

5. Devaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 02.01.2017 and to include his name in Patta No.1774 and the Patta issued for the House property in Survey No.476/39 situated at Senji Village, Katpadi Taluk, Vellore District.

For Petitioner

: Mr.M.Duraimurugan

For Respondents 1 & 2

: Mr.R.S.Selvam,
Government Advocate

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 and 2 to consider his representation dated 02.01.2017 and to include his name in Patta No.1774 and the Patta issued for the House property in Survey No.476/39 situated at Senji Village, Katpadi Taluk, Vellore District.

2. According to the petitioner, the land measuring 97 cents in Survey No.449/4 and a house comprised in S.No.476/39 situated at Gingee Village, Katpadi Taluk, Vellore District are his ancestral properties and that he is living with his parents and his elder brother viz. Venugopal Naidu, as a joint family in the said land. On 30.01.1989, the petitioner and his elder brother entered into a unregistered partition deed in the presence of Panchayatdars of their Village and divided the said property into two equal parts, i.e. half-a-share each, on condition that each of them should pay Rs.7,500/- to their parents. Pursuant to the aforesaid partition, the petitioner is in possession and enjoyment of his share of land and paying requisite House tax, E.B. charges, etc.

3. While so, on coming to know that Patta for the entire land has been issued in favour of respondents 3 to 5, who are his elder's brother's wife, daughter and son and that his name has been exempted, the petitioner sent a representation on 02.01.2017 to the respondents 1 and 2 seeking to include his name in Patta No.1774 and in the Patta in respect of Survey No.476/39. Since no action is taken on his representation, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case, this Court directs the respondents 1 and 2 to consider the petitioner's representation dated 02.01.2017 seeking to include his name in Patta No.1774 and in Patta in respect of the house in Survey No.476/39, on merits and in accordance with law, after giving an opportunity of hearing to the parties concerned, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

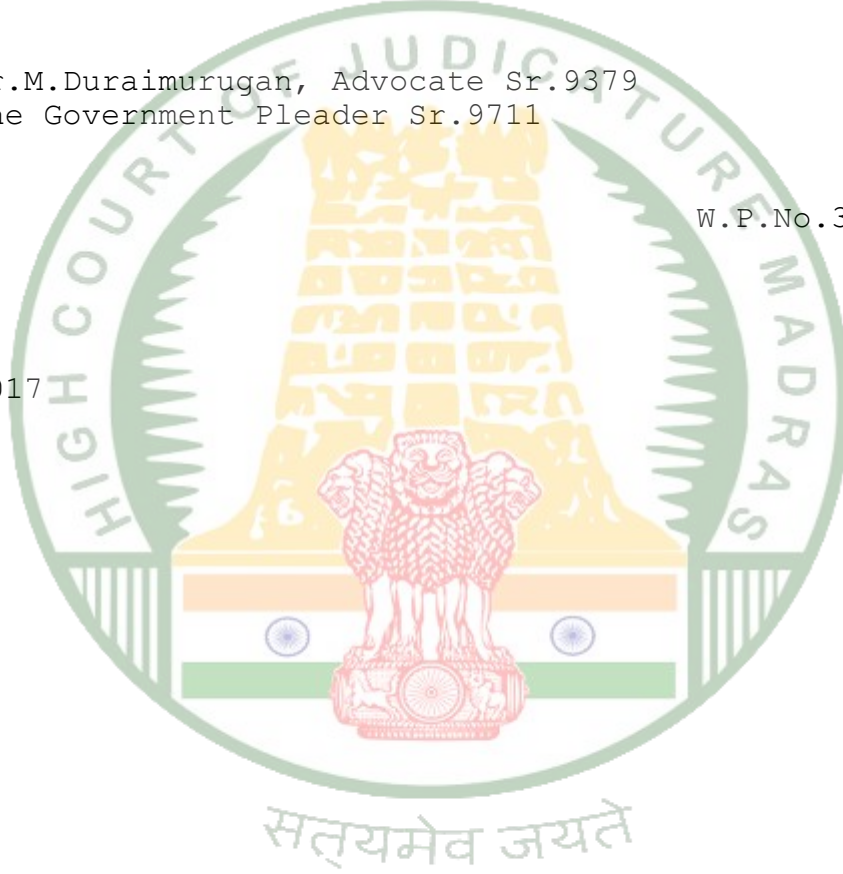
To:

1. The District Collector,
Vellore District,
Vellore.
2. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

+1cc to Mr.M.Duraimurugan, Advocate Sr.9379
+1cc to the Government Pleader Sr.9711

W.P.No.3587 of 2017

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srg 6/3/2017



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