

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.28396 of 2012

& M.P. No.1 of 2012

M.Govindaram

.... Petitioner

Vs

1.The Collector,  
Chennai District.  
Chennai.

2.The Tahsildhar,  
Mambalam-Guindy Taluk,  
Chennai-600 078.

3.S.Ramu

4.S.Prema

5.Parvathi

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a mandamus to direct the respondents 1 and 2 herein to conduct enquiry in a manner known to law and issue patta on the name of the petitioner for his property at No.57/23, Mannapa Street, Kottur, Chennai -600 085.

For Petitioner : Mr.C.Uma Shankar  
For R1 &2, : Mr.R.S.Selvam, AGP  
For R3 to 5 : Mr.R.Gopinath

ORDER

The petitioner has approached this Court seeking the following relief:

'To issue a mandamus to direct the respondents 1 and 2 herein to conduct enquiry in a manner known to law and issue patta on the name of the petitioner for his property at No.57/23, Mannapa Street, Kottur, Chennai -600 085 '.

2. The case of the petitioner is as follows:

According to the petitioner, some of his relatives attempted to put up construction on the common pathway and in that context the petitioner had filed a suit in C.S.No.410 of 2012 and also filed O.A.No.495 of 2012 seeking injunction restraining them not to put up any construction over the common pathway. This Court, by order dated 28.06.2012 granted interim injunction as prayed for. According to the petitioner, the said order of injunction is still in force.

3. In connection with the dispute, a police complaint was also made by the petitioner on 20.06.2012. The petitioner was also issued a notice to the second respondent dated 09.08.2012, requesting him to issue a fresh patta for his property for holding fresh enquiry. The said notice was received by the second respondent on 16.08.2012 but till date no action has been taken by him. Therefore, the petitioner is before this Court seeking to issue a writ of mandamus.

4. The learned counsel for the petitioner would submit that the second respondent may be directed to dispose of the petitioner's representation on merits by conducting an enquiry.

5. The learned counsel for the respondents 1 & 2 would submit that the present competent authority is the Tahsildar, Guindy Taluk, Chennai and not as described in the cause title mentioned in the writ petition.

6. Since the relief sought is only limited in scope, the grant of such relief could have no objection from the respondents, the following direction is issued.

"The Tahsildar, Guindy Taluk, Chennai-78 is directed to pass order on the notice issued by the petitioner on 09.08.2012 to the second respondent by holding a fresh enquiry and after giving an opportunity to the petitioner as well as the others concerned and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order".

7. The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-vii)

//True Copy//

Sub Assistant Registrar

dn  
To

1.The Collector,  
Chennai District.  
Chennai.

2.The Tahsildhar,  
Mambalam-Guindy Taluk,  
Chennai-600 078.

+lcc to Mr.C.UMASHANKAR, Advocate, S.R.No. 82233  
+lcc to the Government Pleader, S.R.No. 82470

W.P.No.28396 of 2012

GJ ii(CO)  
TR(18/01/2018)



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