

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.10825 of 2012

1. R.Venkateshwaran @ Prabhakaran
2. R.Jayamurugan
3. R.Vishnuramgiri

...Petitioners

Versus

1. The Tahsildhar,
Tambaram Taluk,
Chennai - 45
2. The Town Surveyor,
Tambaram Municipality,
Tambaram,
Chennai - 45.

...Respondents

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to directing the respondents to consider the application dated 13.03.2012 for issue of town survey patta, for the Survey No.146/7 T.S.No.48 in Selaiyur Village, Tambaram Taluk, Kancheepuram District within a specified date.

For Petitioner :: Mr.G.Justin
For 1st Respondent :: Mrs.Sri Jayanthi
(Special Government Pleader)

ORDER

The Writ Petition had been filed by three petitioners, who are all brothers and sons of K.Ranganathan against the Tahsildhar, Tambaram Taluk and Town Surveyor, Tambaram Municipality, seeking a Writ of Mandamus directing the respondents to consider the application dated 13.03.2012 for issue of survey patta in S.No.146/7, T.S.No.48 in Selaiyur Village, Tambaram Taluk, Kancheepuram district.

2. This writ petition had been admitted on 19.04.2012. The respondents unfortunately have not come forward to file any counter. However it had been stated that the title of the property vested with the petitioners and in support thereof, they have produced a settlement deed dated 04.07.2007 registered as document No.6845 of 2007 in the office of the Sub-Registrar, Tambaram.

3. It has been stated in the affidavit that the petitioners had given a representation on 13.03.2012 to the first respondent for sub-division of patta. This was insisted since the property was originally purchased by the maternal grandfather A.Periyathambi Nayakar by sale deed dated 17.03.1932, and registered as document No.TVR 410, 3/3/1932 in the office of the Sub-Registrar. Thereafter the mother of the petitioner inherited the property as the only legal heir. The settlement deed referred above is the document by which the mother settled the property in favour of petitioners. It is stated that the first respondent had directed the second respondent to survey the lands. However, no steps have been taken by the respondents.

4. In view of the same, a Mandamus is issued directing the respondents to consider the application dated 13.03.2012 of the petitioners for issue of town survey patta in S.No.146/7, T.S.No.48 in Selaiyur Village, Tambaram Taluk, Kancheepuram District on or before 31.01.2019. The respondents are directed to follow due procedure and issue notice to all necessary parties concerned.

5. The writ petition is allowed with the above observations. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

smv/vsg

To

1. The Tahsildhar,
Tambaram Taluk,
Chennai - 45

2. The Town Surveyor,
Tambaram Municipality,
Tambaram,
Chennai - 45.

+lcc to the Government Pleader, S.R.No.77677

W.P.No.10825 of 2012

SV(CO)

GSP(28/11/2018)