

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.13810 of 2012 &
M.P.No.1 of 2012

K.Raji

.. Petitioner

Vs.

1.The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

2.K.Karunakaran @ Pitchandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider petitioner's representation dated 04.05.2012 sent to him not to issue patta in favour of the second respondent in respect of the house property measuring to an extent of 0.249.0 sq.meter, comprised in Town Survey No.927/41, Block No.28, Ward No.06, Survey Field No.927, Sub Division 41, situated at Manali Estate, Pudupalayam, Cuddalore Taluk and District and record the Objection in respect of issuing patta in favour of the second respondent.

For Petitioner : Dr.G.Krishnamurthy

For Respondents : Mr.B.Anand

Government Advocate for R1

R-2 (Dismissed)

O R D E R

Heard Dr.G.Krishnamurthy, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the first respondent and perused the materials available on record.

2. The petitioner has come forward with this Writ Petition praying for issuance of Writ of Mandamus, directing the first respondent to consider his representation dated 04.05.2012.

3. The case of the petitioner is that his father viz.,

Kuppusamy Padayatchi by putting up a small hut was in occupation of Government poramboke land measuring an extent of 0.249.0 sq. meter and when his application for issuance of patta was pending, he died and thereafter, patta was issued in favour of the petitioner and his brother Kannan. After the demise of the petitioner's brother viz., Kannan, his only son, the second respondent herein is attempted to get a separate patta from the first respondent to sell his property and hence, he made objections to the first respondent. Since it was not considered, the present Writ Petition.

4. The learned Government Advocate for the first respondent would submit that no records have been placed before this Court to show that the second respondent had already approached the first respondent for issuance of patta and if any application is filed, the petitioner is entitled to make an objection and the same would be considered in accordance with law.

5. In the light of the above facts and the submissions of the learned counsels, the Writ Petition is disposed of giving liberty to the petitioner to make his objections, when the second respondent approaches the first respondent for issuance of separate patta in his favour and if any objection is made, the same shall be considered in accordance with law. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

r n s

To

The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

+1cc to Mr.S.V.S.Ilamvazhuthi, Advocate, S.R.No. 72081
+1cc to the Government Pleader, S.R.No. 72405

W.P. No.13810 of 2012 &
M.P.No.1 of 2012

KAN(CO)
GN(13/11/2018)