

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P. No. 36484 of 2007

1. Rajasekaran (Deceased)

2. Kasturi

3. Rajmala

4. Rachina

(P2 to P4 substituted as Legal Representatives of the deceased petitioner. As per the order dated 07/08/2014 in M.P.No.1 of 2014) ... Petitioners

Vs.

1. The Tahsildar,
Madurantakkam Taluk Office,
Madurantakkam, Kancheepuram District.

2. The Revenue Divisional Officer,
Madurantakkam, Kancheepuram District.

3. The Assistant Director,
Land Survey Records Department,
Kancheepuram.

4. Chandrasekaran

सत्यमेव जयते

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to implement the direction made by the second respondent through his letter dated 24.08.2007 in pursuant to the direction made by the third respondent through his letter dated 03.08.2007 to issue fresh patta in favour of the petitioner and the fourth respondent for 5 acres each by effecting fresh sub division rectifying the earlier defect in the patta issued in favour of the petitioner and the patta No.192 issued in favour of the fourth respondent in respect of S.Nos.181/2 and 182/1 at Saravampakkam Village, Madurantakkam Taluk, Kancheepuram District.

For Petitioners : Mr.N.Nagu Sah
For R1 to R3 : Mrs.K.Bhuvaneswari
For R4 : M/s.APR Associates

O R D E R

The prayer made in this writ petition is to direct the first respondent to implement the directions of the respondents 2 and 3, with regard to issuance of fresh patta in favour of the petitioner and the fourth respondent, after effecting sub divisions and rectifying the earlier defects.

2.According to the learned counsel for the petitioner, the fourth respondent is the brother of the petitioner. They had purchased lands in S.Nos.181/2 and 182/1 vide two separate sale deeds dated 12.09.1962 and 12.08.1970. Subsequently, patta no.115 was issued in respect of S.No.181/2 measuring 4.96 acres and S.No.182/1 measuring 1.04 acres, in favour of the petitioner. While so, the petitioner and the fourth respondent entered into a partition deed dated 30.05.1985 in respect of the remaining extent of 9.94 acres. Thereafter, when the petitioner applied for patta, the first respondent issued patta no.436, in which, 6 cents of land in S.No.181/2 in possession and enjoyment of the petitioner, was not included. Hence, he made various representations to the respondents 1 to 3 to rectify the defects and issue fresh patta. On receipt of the same, the respondents 2 and 3 vide their respective communications dated 24.08.2007 and 03.08.2007, directed the first respondent to take necessary steps to rectify the defects in the earlier sub divisions and issue fresh patta to the petitioner and the fourth respondent. However, till date, no steps have been taken by the first respondent. Hence, this writ petition.

3.The learned Additional Government Pleader appearing for the respondent authorities submitted that the first respondent would consider the claim of the petitioner, if not already considered, and pass appropriate orders, as per the directions issued by the respondents 2 and 3.

4.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, the 1st respondent is directed to consider the claim of the petitioner, if not already considered, in line with the directions issued by the respondents 2 and 3, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and the fourth respondent as well as any of the interested parties, within a period of six weeks from the date

of receipt of a copy of this order. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Tahsildar,
Madurantakkam Taluk Office,
Madurantakkam, Kancheepuram District.
2. The Revenue Divisional Officer,
Madurantakkam, Kancheepuram District.
3. The Assistant Director,
Land Survey Records Department,
Kancheepuram.

+1cc to Mr.N.Nagusah, Advocate SR.No.86495

+1cc to Government Pleader, High Court, Madras SR.No.87960

W.P. No. 36484 of 2007

MR (CO)
GMY (09/05/2019)

सत्यमेव जयते

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