

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.34276 of 2013

and

M.P.No. 1 of 2013

C. Mohan

..Petitioner

Vs.

1. The District Collector
Vellore District, Vellore.

2. The Tahsildar,
Gudiyattam Taluk,
Gudiyattam -632 602,
Vellore District.

3. M.Pitchaikarammal

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider and pass orders on the petitioner's representation dated 23.09.2013, 24.10.2013 and 04.11.2013 to delete the entry of the 3rd respondent's name in the Chitta for the Fasil 1407 in Patta No.346 for the lands comprised in S.No.8/2A for extent of 0.05.5 Hectares (0.14 cents) situated in Rangasamuthiram Village, Gudiyattam Taluk and consequently direct the 2nd respondent to transfer the patta No.346 in the name of the petitioner from the name of his father Chinnakuzhanthai for the above land.

For Petitioner

: Mr.K.A.Ravindran

For Respondents

: Mr.B.Anand,

Government Advocate

for R1 & R2

Mr. G.Vinodh Kumar, for R3

ORDER

The petitioner has come forward with this writ petition for issuance of a writ of Mandamus, to direct the respondents 1 and 2 to consider and pass orders on his representations dated 23.09.2013, 24.10.2013 and 04.11.2013.

2. Heard Mr.K.A.Ravindran, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the respondents 1 and 2 and Mr.G.Vinodh Kumar, learned counsel for the third respondent.

3. The case of the petitioner is that he is the absolute owner of the property in S.No.8/2A measuring to an extent of 0.05.5 Hectares (0.14 cents) situated in Rangasamuthiram Village, Gudiyattam Taluk and a patta was already issued in favour of his father Chinnakuzhanthai. It is further stated that he has made representations to the respondents 1 and 2, seeking transfer of patta in his name and delete the name of the third respondent in Chitta for the Fasil 1407.

4. The learned counsel for the petitioner submitted that it would be suffice, if a direction is given to the second respondent to consider and take action on the representations of the petitioner.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner's father had filed a suit against the third respondent's husband and two others for permanent injunction and the suit was decreed. Appeal Suit in A.S.No. 36 of 2007 filed against the same is pending on the file of the Sub-Court, Gudiyattam. He would further submit that the representations of the petitioner would be considered in accordance with law.

6. The learned counsel for the third respondent has stated that even in the year 2010, the third respondent had submitted a representation to the respondents 1 and 2 to issue patta in the name of the third respondent in respect of the Survey No.8/2A, however, no order has been passed so far and it is still pending.

7. In the light of the submissions made by the learned counsel on either side and also considering the nature of prayer sought for in this writ petition, this Court, without going into the merits of the case, directs the second respondent to consider the representations of the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ms

To

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

+1cc to Mr.G.VINODHKUMAR, Advocate, S.R.No.46932
+1cc to Mr.K.A.RAVINDRAN, Advocate, S.R.No.47421
+1cc to the Government Pleader, S.R.No.47549

W.P.No.34276 of 2013
and
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KJ(CO)
TR(09/08/2018)

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