



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.12523 of 2018

WEB COPY

P.P.Selvaraja

... Petitioner

vs.

The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue patta in the name of the petitioner for the land Ayan Punja in Survey No.207/3, to an extent of 1.72 Acres situated in Kamaraj Nagar, Thuraiyur, Trichy District, based on the representation of the petitioner, dated 23.04.2018 [wrongly mentioned in the prayer as '24.03.2018'].

For Petitioner : Mr.N.Anandakumar
For Respondent : Mr.V.Anand,
Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice on behalf of the respondent.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 23.04.2018, seeking patta for his land has not been considered by the respondent till date. Therefore, he has filed the present Writ Petition.

4. The properties in question originally belonged to the grandfather of the petitioner and he has bequeathed a Will on 16.02.1965 in favour of the petitioner's father. After the demise of the father of the petitioner, his legal heirs entered into an oral partition on 21.01.1995 and the petitioner and his brothers shared the properties along with their mother on 06.11.1995 by way of Muchalika. In the said Muchalika, 'B' Schedule properties were allotted to the petitioner. However, a dispute arose between the siblings and the petitioner and his two other brothers filed a Suit against his mother and two other brothers. Subsequently, the matter was compromised and 'B' Schedule properties were allotted to the petitioner. On the basis of a compromise, the petitioner



made a representation to the respondent/Tahsildar for change of patta in his name. Since no orders were passed by the Tahsildar, the petitioner is before this Court with the present Writ Petition for disposal of the representation made by him.

5. Admittedly, there was a civil suit between the co-sharers of the properties. Since it is stated that pending suit, a compromise was arrived at between the parties and the said compromise has been acted upon and hence, the petitioner is entitled to get the patta transferred in his name, the respondent/Tahsildar has to enquire into the matter.

6. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondent is duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct the respondent to consider the petitioner's representation within a stipulated time.

7. Accordingly, a direction is issued to the respondent/Tahsildar, Thuraiyur Taluk, Tiruchirappalli District to conduct an elaborate enquiry after giving notice to all the parties concerned and thereafter, pass orders on the petitioner's representation dated 23.04.2018 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To
The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.

+1cc to Mr.N.Anandakumar, Advocate Sr.No.68053
Vs/sml
MK/SB/SAR 4/27.06.2018/2P/3C