



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.11241 of 2013

R.Vijayakumar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
O/o. Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Tahsildar Office,
Ambasamudram Taluk,
Ambasamudram,
Tirunelveli District.

4.Ponnusamy @ Thangaraj

5.Sankarapandian @ Selvan

6.Ramasubiramaniyan @ Sekar

7.Ukkirapandiyan @ Durai

... Respondents

(R4 to R7 are impleaded Vide
Court order dated 19.09.2014)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 29.04.2013 and 26.06.2013 and directing the 2nd respondent to cancel the Patta which was issued by the 3rd respondent in the name of one Uthasingapandian and consequently direct the 3rd respondent to issue a patta in the name of the petitioner to the petitioner's land in New Survey No.1744/9 in and extent of 3902.25 Square feet situated at Keelandadutheru, Cheranmahadevi, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.M.Maran

For R1to R3 : Mr.Aayiram K.Selvakumar

Additional Government Pleader

For R4 to R6 : Mr.G.Karnan

For R7 : No Appearance

ORDER

According to the petitioner, the mother of the petitioner is the owner of the property in Survey No.1744/9 at Keelanaduthuery, Cheranmahadevi, Ambasamudram Taluk, Tirunelveli District. Earlier the above said property was mortgaged in favour of the one Uthasingapandian / father of the respondents 4 to 7. Thereafter, the mother of the petitioner filed O.S.No.17 of 1988 on the file of the District Munsif Court, Ambasamudram and the suit was decreed in favour of the petitioner on 31.08.1990. Subsequently, the mother of the petitioner died on 29.10.2012. Then the petitioner has filed applications seeking transfer of patta in the name of the petitioner. But, so far, no action has been taken on the application filed by the petitioner. Hence, the present writ petition has been filed.

2.Today the learned counsel for the respondents 4 to 6 submitted that the decree was passed in the year 1990, but the petitioner did not take any steps to file an application seeking recovery of possession. Subsequently, the petitioner filed I.A.412 of 2014 seeking possession of the property after filing of this present writ petition. Hence, the petitioner is not entitled for any relief as such sought for in this writ petition.

3.Considering the facts and circumstances, without going into the merits of the case the third respondent is directed to consider the application of the petitioner and pass orders on merits and in accordance with law, after issuing notice to the petitioner, respondents 4 to 7 and other rival parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Sub Collector, O/o. Sub Collector Office,
Cheranmahadevi, Tirunelveli District.

3.The Tahsildar, Tahsildar Office,
Ambasamudram Taluk, Ambasamudram, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.51973

+One cc to M/s.G.Karnan, Advocate, SR.No.51217

+One cc to M/s.M.Maran, Advocate, SR.No.51098

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RL/7C/2P/JC/SAR2/13/3/2018

W. (MD) No.11241 of 2013