

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2318 of 2019

P.S.S.Udhayakumar,
Rep. by his Power of Attorney,
M.Gnanam,
123, Bazzar Street,
Kannampulli Chetty Street,
Cantonment Kumananchavadi,
Poonamallee Taluk,
Tiruvallur District.

...Petitioner

Vs.

The Additional Chief Secretary/Commissioner of
Land Administration,
Chepauk,
Chennai 600 005.

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to consider and pass orders on the application of the petitioner dated 05.10.2018, after affording a reasonable opportunity to the petitioner within the stipulated period.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.I.Satish

Additional Government Pleader

सत्यमेव जयते
O R D E R

The petitioner seeks for a mandamus to direct the respondent to consider and pass orders on the application of the petitioner dated 05.10.2018, after affording a reasonable opportunity to the petitioner within the stipulated period.

2.The case of the petitioner is as follows:

Petitioner is represented by his Power of Attorney Holder through a registered power of attorney deed dated 03.03.2005, which is still in force. The said power of attorney is registered as Document No.410/2005 on the file of the Sub Registrar, Kundrathur. According to the petitioner, his

forefathers are the absolute owners of the property measuring 0.70 cents in Survey No.80/1 by a registered Partition Deed dated 22.03.1886 and they were in possession and enjoyment of the said property. Thereafter, the said property was bequeathed in favour of the petitioner's grandfather by a Registered Will dated 04.09.1917 executed by his forefather. Now, the petitioner and other legal heirs of the petitioner's father are in absolute possession and enjoyment of the property. While such being the position, the subject matter property has been wrongly classified as Anadheenam during the settlement operations, without giving any notice to the petitioner and his family members. Hence, he made an application dated 05.10.2018 to the respondent, seeking to reclassify the subject property as Ryatwari land. Since the same has not been considered by the respondent, the present writ petition is filed.

3. Heard both sides.

4. Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner, the second respondent is directed to consider the representation of the petitioner dated 05.10.2018 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs.

vri

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To
The Additional Chief Secretary/
Commissioner of
Land Administration,
Chepauk,
Chennai 600 005.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.13896

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