

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12516 of 2019

G.Koteeswaran

...Petitioner

Vs.

1. The Tahsildar,
Thiruvallur Taluk,
Collectorate,
Thiruvallur District.
 2. The Head Surveyor,
Thiruvallur Town and Taluk,
Collectorate,
Thiruvallur District.
 3. The Collector,
Thiruvallur District,
Collectorate at Thiruvallur
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to issue patta after demarcating the property by identifying the survey number by metes and bounds by the 2nd respondent and thereon issue patta in respect of the said property being all that piece and parcel of land situated in Village No.74, Peria Kuppam Village, Thiruvallur Taluk, Thiruvallur District comprised in Survey No.79/2 of an extent of acre 0.22 cents out of a total extent of acre 0.67 cents.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.E.Balamurugan,
Special Government Pleader
for R1 to R3

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the 1st respondent herein to issue patta after demarcating the property by identifying the survey number by metes and bounds by the 2nd respondent and thereon issue patta in respect of the said property being all that piece and parcel of land situate in Village No.74, Peria Kuppm Village, Thiruvallur Taluk, Thiruvallur District comprised in Survey No.79/2 of an extent of acre 0.22 cents out of a total extent of acre 0.67 cents. The petitioner has also given a representation to the 1st respondent on 21.08.2018 in that regard.

3. The case of the petitioner is as follows:

The subject matter property is a patta land and the same was settled by the father of the petitioner in favour of his sister Ms.G.Violet, in terms of registered settlement deed dated 29.08.2008, as Document No.9575/2008 on the file of Sub Registrar, Thiruvallur and she is in possession and occupation of the said property without any hindrance. Thereafter, his sister Ms.G.Violet settled the property by virtue of registered Settlement Deed dated 29.06.2018, registered as Document No.7456/2018 in his favour. The petitioner's sister applied for transfer of patta, but the same was rejected. Hence, his sister Ms.G.Violet, filed a Civil Suit in O.S.No.303/2009 on the file of District Mufi Court, Thiruvallur, for declaration of title and the same was decreed in favour of his sister. Thereafter, his sister made a request to the revenue authorities to issue patta but the same was not considered so far. The petitioner has also made a representation on 21.08.2018 for transfer of patta and had also paid the necessary charges for the same. Since the said representation has not been considered so far, the present writ petition is filed.

4. Heard both sides.

5. The grievance of the petitioner before this Court is that the said representation has not been considered by the respondents so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the 1st respondent to consider and decide the same on merits and in accordance with law. Accordingly, this Writ Petition is disposed of, only by directing the 1st respondent to consider

the representation of the petitioner dated 21.08.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Tahsildar,
Thiruvalur Taluk,
Collectorate,
Thiruvallur District.
2. The Head Surveyor,
Thiruvallur Town and Taluk,
Collectorate,
Thiruvallur District.
3. The Collector,
Thiruvallur District,
Collectorate at Thiruvallur

+1 cc to Mr.A.Palaniappan, Advocate, S.R.No.40933

+1 cc to the Government Pleader, S.R.No.41225

SVI (CO)
SSM(28/05/2019).

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