

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.02.2019
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3185 of 2019

Muthusamy .. Petitioner

Vs.

1.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

2. Nallusamy ..Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass orders on the application of the petitioner dated 15.11.2016 in Application No.A2/4882/2016 and the enquiry conducted by the first respondent dated 21.07.2017 forthwith.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

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

2. This Writ Petition is filed by the petitioner seeking a direction to the first respondent to pass orders on the application of the petitioner in Application No.A2/4882/2016 dated 15.11.2016 and the enquiry conducted by the first respondent dated 21.07.2017 forthwith.

3. The case of the petitioner is that he purchased the property from one Nallu comprised in S.No.554/20 for a valuable sale consideration on 30.05.1995 and he constructed a house in the said land. While so, the second respondent has obtained patta for the property in Survey No.554/20 including the petitioner's house. Upon knowing the said fact, the petitioner submitted an application to the first respondent in A.No.A2/4882/2016 on 15.11.2016 to cancel the patta in respect of the petitioner's house and to issue a separate patta in his name by surveying and measuring the property. Pursuant to the said representation, the first respondent has conducted an enquiry and the surveyor measured the property on 21.07.2017, but thereafter no

report was filed and the enquiry was not concluded so far. Hence, the petitioner made representations on 04.09.2017 and 20.08.2018 to the first respondent requesting to pass appropriate order on the enquiry conducted on 21.07.2017 and to issue a separate patta in his name. But so far, no action has been taken by the first respondent. Hence this writ petition.

4. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the first respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations, directs the first respondent to consider the petitioner's representations dated 04.09.2017 and 20.08.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, second respondent herein as well as any of the interested parties and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

7. Post 'For Compliance' on 08.03.2019.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

2.The Section Officer,
Writ Section,
High Court,
Madras. (Post the Matter for Compliance on 08/03/19)

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.9406
+1cc to the Government Pleader, S.R.No.9134

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CP(CO)
rrs 20/02/2019

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