

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5018 of 2019

Naduthambi

...Petitioner

Vs.

- 1.The District Collector
Salem District
Salem.
- 2.The Thasildar
Petthanaickanpalayam Taluk
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to modify the entry of Patta passbook No.20 on the file of the 2nd respondent pursuant to the petitioner's application dated 03.01.2019.

For Petitioner : Mr.N.Rajith Kumar
For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

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

2. Heard both sides.

3. The petitioner seeks for a mandamus directing the second respondent to modify the entry of Patta passbook No.20 on the file of the 2nd respondent pursuant to the petitioner's application dated 03.01.2019.

4. It is stated that by way of Gift Deed dated 24.12.2018, the petitioner's elder brother has settled a part of ancestral property in favour of the petitioner. It is further stated in

pursuant to the execution of the Gift Deed dated 24.12.2018, the petitioner made an on-line application on 03.01.2019, followed by the representation dated 13.02.2019 before the second respondent seeking for inclusion of his name in the Patta Pass Book No.20.

5. The grievance of the petitioner before this Court is that the said application has not been considered by the second respondent 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 second 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 second respondent to consider the application dated 03.01.2019 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and other interested parties, if any. Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Salem District
Salem.

2.The Thasildar
Petthanaickanpalayam Taluk
Salem District.

+1cc to Mr.N.Rajith Kumar, Advocate sr.no.16473
+1cc to Government Pleader sr.no.17021

W.P.No.5018 of 2019

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nr 26/03/2019