

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13573 of 2019

V.Jayalakshmi

...Petitioner

Vs.

1. The Tahsildar,
Taluk Office Complex,
Beach Road,
Cuddalore - 607 001
Pudhupalayam.

2. The Sub-Collector,
Cuddalore Sub Collector Office,
Cuddalore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to make necessary correction by including the name of the petitioner in Patta No.153 and by issuing a joint patta for the property in Old Survey No.399/2, Resurvey No.310/9, Chinnakattu Palayam Village, Cuddalore District.

For Petitioner :Mr.S.Ravee Kumar

For Respondents :Mr.R.Govindasamy,
Special Government Pleader

सहायमेव जयते
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. The petitioner seeks for a Mandamus directing the respondents to make necessary correction by including the name of the petitioner in Patta No.153 and by issuing a joint patta for the property in Old Survey No.399/2, Resurvey No.310/9, Chinnakattu Palayam Village, Cuddalore District.

3. The case of the petitioner is as follows:

The petitioner is the co-owner of the property in Chinnakaatu Paalayam Village, Old Survey No.399/2, Resurvey No.310/9, Patta No.153, Cuddalore District. The property originally belonged to his father Srinivasan. He decided to divide the property into three equal parts and settled the property vide registered settlement deed dated 27.06.1968. As per the document, the petitioner and his two sisters viz., Periyamayagam Ammal and Muthulakshmi, got 1/3rd equal share in the property. One of his sister Periyamayagam Ammal sold half of her property to the petitioner vide registered partition deed in Document No.1556 dated 19.09.1984 and the remaining half of the property to his brother-in-law Krishnamoorthy, husband of Muthulakshmi vide registered partition deed in Document No.1555 dated 19.09.1984 in the Registrar office, Cuddalore. The said Krishnamoorthy informed the petitioner that he would take steps to get a joint patta. However, patta has been issued in the name of Krishnamoorthy alone, who is having only half share in the subject property. Hence, the petitioner made a representation dated 06.02.2018 to the respondents for correcting the name in patta. Since, no action was taken, he sent another representation dated 23.02.2018 to the respondent. But till date no action is taken by the respondents. Hence, this Writ Petition is filed with the above said relief.

4. Heard both sides.

5. The grievance of the petitioner before this Court is that the representation dated 23.02.2018 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 first to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the first respondent to consider the petitioner's representation dated 23.02.2018 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 first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Tahsildar,
Taluk Office Complex,
Beach Road,
Cuddalore - 607 001
Pudhupalayam.

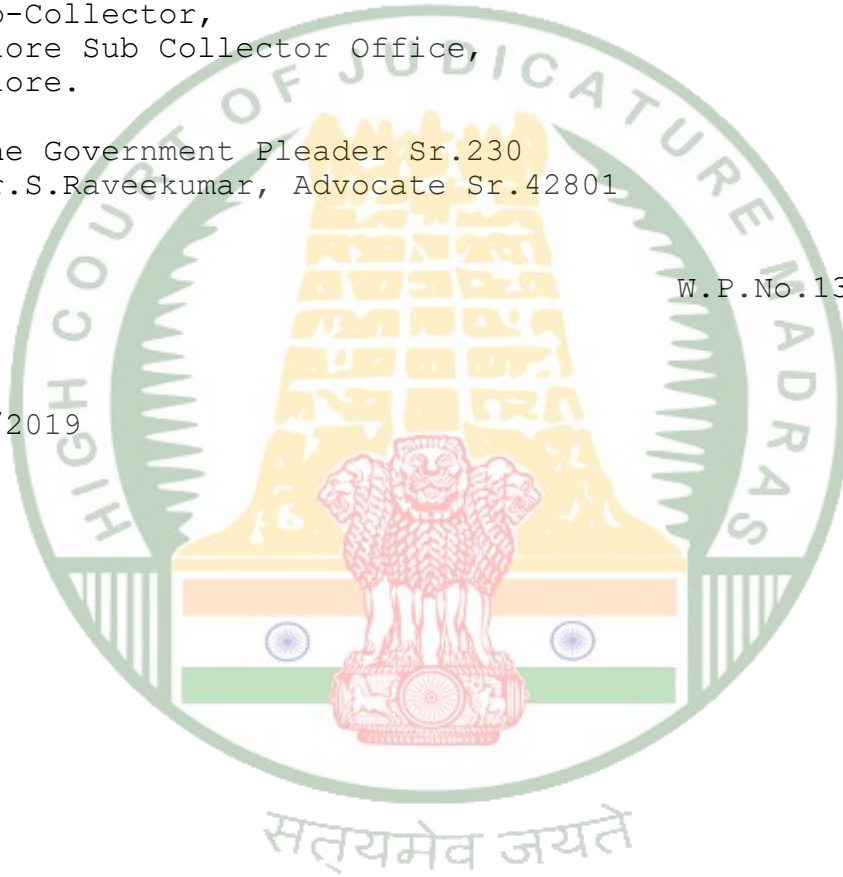
2. The Sub-Collector,
Cuddalore Sub Collector Office,
Cuddalore.

+1cc to the Government Pleader Sr.230

+1cc to Mr.S.Raveekumar, Advocate Sr.42801

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kk[co]
srg 29/05/2019



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