



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.09.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.27937 of 2019
& W.M.P.No.27520 of 2019

1. Indrani,
2. T.Gopinath,
3. Minor G.Harish Raj,
4. Minor G.Branitha,

All are residing at
No.35, Anna Salai, Erukancheery, Chennai - 600 118.
represented by their power of attorney,
S.Gopalakrishnan residing at,
C1, Krishnalaya Apartment No.161/95,
Lloyds Road, Royapettah, Chennai - 14.

... Petitioners

/versus/

The Tahsildar,
Aminjikarai Taluk Office,
Aminjikarai, Chennai - 30.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondent to consider the application of the petitioner dated 27.05.2019 seeking for issue of patta for their property situated in Survey Number 40/2 and 40/6 measuring 64 cents in Koyambedu Village, Chennai, in accordance with law and pass appropriate orders.

For Petitioners : Mr.K.M.Vijayan, Senior Counsel,
for Mr.K.M.Vijayan Associates

For Respondent : Mr.J.Purushothaman,
Government Advocate

O R D E R

Heard the Learned Senior Counsel for the petitioners and the Learned Government Counsel for the respondent.

2. The grievance of the petitioner is that, he made an application on 27.05.2019 for grant of patta in respect of property situated in S.Nos.40/2 and 40/6 measuring 64 cents in Koyambedu Village, Chennai, in respect of receiving the application, the respondent/Tahsildar, has not passed any order.

3. According to the petitioner, the property was originally purchased by one Balamaniammal under document No.1666 of 1903. She gifted the property to his daughter Chandrammal vide document No.2654 of 1919. Later the property was shared between the sons of Chandrammal under partition deed vide document No.1181 of 1942, from which 64 cents of land devolved upon Mr.Amrithalingam, that portion of the land was inherited by his son Mr.Thangaraj. The petitioner is the power agent of the legal heirs of Mr.Thangaraj. The respondent/Tahsildar, was directed by this Court to file status report. Accordingly, he has submitted the report stating that the land for which patta sought is classified as 'Sarkar Poramboke' and the petitioner herein has not submitted any application through online.

4. According to the Learned Senior Counsel for the petitioner would submit that, on 27.05.2019, T.Gopinath presented his representation in person and same was received by the Tahsildar Office and acknowledged. The petitioner is the power agent of T.Gopinath and therefore, there is no reason for not considering the petitioner's representation. Insofar as the other reasons are concerned, the petitioner counsel would submit that unless and until, the respondent passes order, it may not be possible for the petitioner to give suitable reply for that. In the said circumstances, without adverting to the other merits of the case, the respondent herein shall consider the representation given by T.Gopinath, on 27.05.2019, received by the Tahsildar Office. Proper notice may be caused to the petitioner and other necessary parties and enquiry may be conducted and order be passed, within a period of eight weeks, from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

bsm

To

The Assistant Engineer (Operation and Maintenance),
Saidapet East, Chennai Electricity Distribution Circle,
TANGEDCO, Chennai - 600 015.

+1 cc to M/s.K.M.Vijayan, Advocate, S.R.No.83046

+1 cc to the Government Pleader, Advocate, S.R.No.83219

W.P.No.27937 of 2019

BP (CO)
SSM(30/09/2019).



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