

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.9803 of 2020

R.Amirthavalli

... Petitioner

Vs.

1. The District Collector,
Nagapattinam District.

2. The Tahsildar,
Vedaranyam,
Nagapattinam District.

3. Anbazhagan

4. Rajendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the first respondent to pass orders on the petitioner's representation dated 10.02.2020 within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents: Mr.A.Arul Doss

Government Advocate [R1 & R2]

O R D E R

(The case has been heard through video conference)

This writ petition has been filed for the issue of Writ of Mandamus, directing the second respondent to act upon the application/representation made by the petitioner and conduct survey of the subject property and demarcate the property and issue a separate patta in favour of the petitioner.

2. The case of the petitioner is that he purchased the subject property through a registered Sale Deed dated 19.05.1990. The petitioner thereafter applied for patta and the second respondent issued a joint patta in the name of the petitioner, third and fourth respondents. The further case of the petitioner is that the third and fourth respondents filed

a suit in O.S.No.216 of 2004 before the District Munsiff Court, Nagapattinam, seeking for the relief of declaration and injunction and the suit was dismissed by judgment and decree dated 13.07.2007. Aggrieved by the same, third and fourth respondents filed an appeal in A.S.No.4/2008 and the Sub Court, Nagapattinam, by judgment and decree dated 18.09.2008, dismissed the appeal and confirmed the judgment and decree trial Court. According to the petitioner, this judgment has become final and no further appeal was filed by the third and fourth respondents.

3. The petitioner submitted an application on 12.03.2019 before the second respondent, requesting the second respondent to conduct survey and demarcate the property and thereafter, issue a separate patta to the petitioner. According to the petitioner, he has also filed necessary documents along with the application. Since no action was taken on the application, a representation was made by the petitioner on 10.02.2020 and even then, no action was taken. Aggrieved by the same, the present writ petition has been filed before this Court seeking for an appropriate direction.

4. Heard Mr.S.Parthasarathy, learned counsel appearing on behalf of the petitioner and Mr.A.Arul Doss, learned Government Advocate appearing for the respondents 1 and 2.

5. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the second respondent to act upon the application of the petitioner dated 12.03.2019 and the representation dated 10.02.2020 and conduct a survey of the property for demarcating the property. The second respondent shall issue a notice to respondents 3 and 4 in order to ensure that no further appeal has been filed by them. The second respondent shall pass necessary orders strictly in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the application dated 12.03.2019, copy of the representation dated 10.02.2020 and other necessary documents along with a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

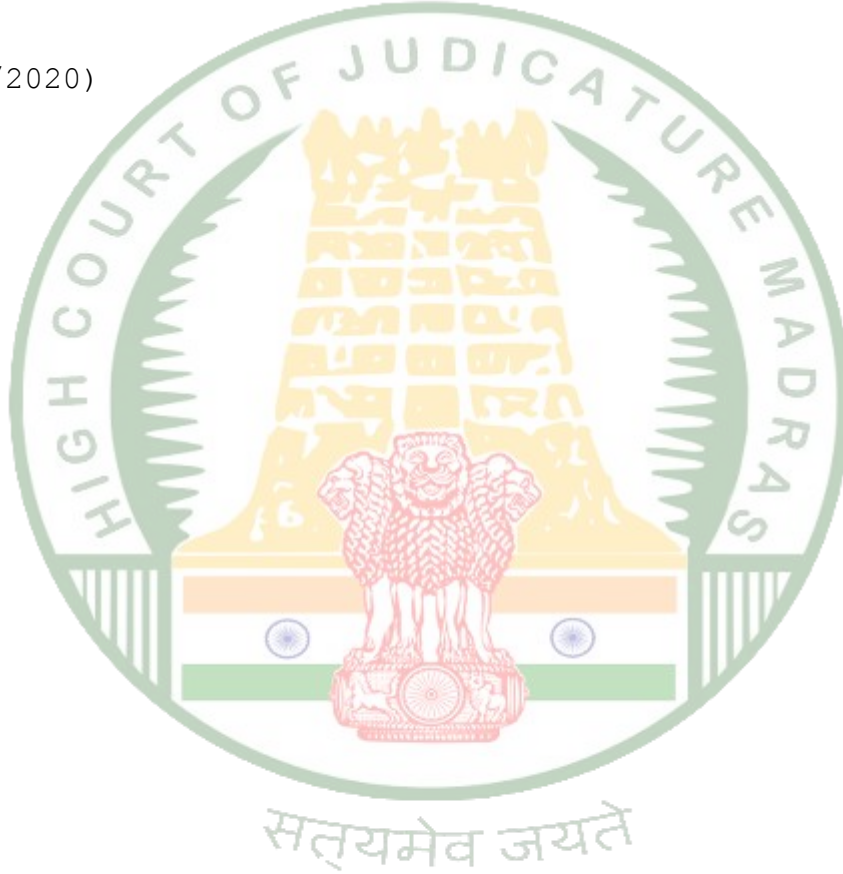
To

1. The District Collector,
Nagapattinam District.
2. The Tahsildar,
Vedaranyam,
Nagapattinam District.

+lcc to Government Pleader SR.No.25625

W.P.No.9803 of 2020

SSI (CO)
GMY (17/08/2020)



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