

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16047 of 2020
and W.M.P.No.19979 of 2020

K.M.Sambanda Naicker

...Petitioner

Vs.

1. The District Collector,
Chengalpet.

2. The Sub Collector,
Chengalpet Revenue Division,
VOC Nagar, Chengalpet.

3. The Tahsildar,
Thirukazhukundram Taluk,
Deshmughi Pettai,
Thirukazhukundram,
Chengalpet District.

4. V.Neelamegam

5. V.Munusamy

...Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 to 3 herein to consider the petitioner's representation dated 14.09.2020 and transfer patta in the name of the petitioner in respect of the property of an extent of 3 ¾ cents in Survey No.25/12, Acharavakkam Village, Pattikadu Panchayat, Thirukazhukundram Taluk, Chengalpet District.

For Petitioner
For Respondents

: Ms.AL.Ganthimathi

1 to 3

: Mr.R.S.Selvam
Government Advocate

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct respondents Nos. 1 to 3 herein to consider the petitioner's representation dated 14.09.2020 and transfer patta in the name of the petitioner in respect of the property of an extent of 3 $\frac{3}{4}$ cents in Survey No.25/12, Acharavakkam Village, Pattikadu Panchayat, Thirukazhukundram Taluk, Chengalpet District.

2. The learned counsel for the petitioner submits that the subject property measuring an extent of 3 $\frac{3}{4}$ cents in Survey No.25/12, Acharavakkam Village, Pattikadu Panchayat, Thirukazhukundram Taluk, Chengalpet District, belongs to the petitioner's mother. She had in turn settled the property in favour of the petitioner vide registered Settlement Deed in Doc.No.198/1987 dated 17.03.1987. The petitioner had realised after his mother's demise that the settlement deed had a mistake with respect to the Survey Number of the property and measurement. Instead of mentioning 3 $\frac{3}{4}$ cents in S.No.25/12, it is mentioned S.No.23/5A and 10 cents. Therefore, the petitioner made a request to the third respondent to survey the property by paying requisite fee. Since no action was taken, the petitioner filed W.P.No.24726 of 2017 before this Court and obtained directions to the respondents by order dated 15.09.2017. However, when the Surveyors arrived, one Mr.C.Vedagiri interfered saying that the said property belongs to him, against which, the petitioner requested the respondents that the patta be transferred to the petitioner's name.

3. The learned counsel for the petitioner further submits that since no action was taken, the petitioner filed W.P.No.30896 of 2018 which was disposed of by this Court on 23.11.2018 directing the respondents to conduct an enquiry and cancel the patta. Since no serious efforts have been taken by the authorities to comply with the said order, the petitioner has submitted a representation dated 14.09.2020 before the second respondent, but, no action has been taken by the respondents. Hence, the present Writ Petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the 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 representation, directs the second respondent/Sub Collector, Chengalpet Revenue Division, to consider the petitioner's representation dated 14.09.2020 and pass a detailed order, on merits and in accordance with law, after issuing notice to the petitioner and

the persons interested in this regard and also affording them an opportunity of personal hearing and considering the documents that may be furnished by the petitioner, within a period of six (6) weeks.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

List the matter on 01.03.2021 "for reporting compliance"

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asi

To

1. The District Collector,
Chengalpet.
2. The Sub Collector,
Chengalpet Revenue Division,
VOC Nagar, Chengalpet.
3. The Tahsildar,
Thirukazhukundram Taluk,
Deshmughi Pettai,
Thirukazhukundram,
Chengalpet District.

Copy to

The Section Officer,
Writ Section,
High Court, Madras.

+1cc to M/s.A.L.Gandhimathi, Advocate, SR.No.41168(08/01/2021)
+1cc to M/s.K.P.Rajarajachozhan, Advocate, SR.No.41469
(08/01/2021)
+1cc to Government Pleader, SR.No.41406(08/01/2021)

W.P.No.16047 of 2020
and W.M.P.No.19979 of 2020

MG(CO)
KKV/23/12/2020