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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.20683 of 2021

N.S.Venkatesan

...Petitioner

Vs.

The Tashildar,
R.K.Pet, Taluk, R.K.Pet,
Thiruvallur District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representations dated 10.06.2020 and 29.07.2021 within a time frame.

For Petitioner : Mr. G. Pavendhan

For Respondent : Mr. Yogesh Kannadasan
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representations dated 10.06.2020 and 29.07.2021 and stipulated time that may be fixed by this Court.

2. The case of the petitioner is that his father Subbaraya Mudhali had ancestral property situated at



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Srikalikapuram Villae in Survey No.252/1D1A measuring to an extent of 4800 Sq.ft. and the same was possessed and enjoyed during his life time . On 04.03.2009, the petitioner's father executed a Will in favour of the petitioner's brother's sons namely 1.Arasu, 2.Saravanan, 3.Dayalan and 4.Gopi from the "A" Schedule property and "B" Schedule property executed in favour of the petitioner's son namely K.Srinivasan and "C" Schedule property executed in favour of the petitioner's sister namely Sampooram and the same was registered as Document No.9 of 2009 dated 04.03.2009 on the file of Sub Registrar Office, R.K.Pet. Thereafter, the petitioner's father died on 13.09.2014 and the above said Will came into force and was enjoyed by the above said beneficiaries as per the Will dated 04.03.2009. In the meanwhile, his sister Sampooram executed a Gift Settlement Deed in favour of the petitioner registered as Document No.839 of 2009 dated 24.03.2020 for the "C" Schedule property on the file of Sub Registrar Office, R.K.Pet. He sent representations dated 10.06.2020 and 29.07.2021 through online to the respondent requesting him for transferring the Patta in favour of the petitioner, till date, no action has been taken by the respondent. Therefore, he has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representations dated 10.06.2020 and 29.07.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representations dated 10.06.2020 and 29.07.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period



of four months from the date of receipt of a copy of this order.
No costs.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

gba

To

The Tashildar, R.K.Pet, Taluk, R.K.Pet,
Thiruvallur District.

+1CC to Mr.G.Pavendhan, Advocate, SR.No. 50453
+1CC to The Government Pleader, SR.No. 50863

W.P.No.20683 of 2021

KK(CO)
B.VC (02/11/2021)