



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No.22398 of 2021

S.Madhavan

..Petitioner

Versus

1. The Revenue Divisional Officer,
SH 95, Thillaipuram,
Namakkal District,
Namakkal - 637 001.

2. The Special Tahsildar,
Town and Country Planning,
Rasipuram.

..Respondents

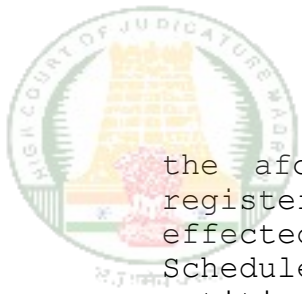
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 1st respondent to dispose off the appeal made by the petitioner dated 23.04.2021 and give personal hearing within a stipulated time fixed by this Court.

For Petitioner	:	Mr. A.Thiyagarajan
For Respondents	:	Mr.Yogesh Kannadsan Government Advocate

O R D E R

This writ petition is filed for the issuance of a writ of mandamus directing the 1st respondent to dispose of the appeal made by the petitioner dated 23.04.2021.

2. The case of the petitioner is that his grandfather S.B.Krishnamoorthy Naidu was the lawful owner of the property situated at D.No.142/2A, Block 6, Ward 'A' Old S.No.181/1, Rasipuram City, Namakkal District, vide Doc. No.1519 of 1943, and he was in absolute possession and enjoyment of the same. After the death of the petitioner's grandfather, the petitioner's father was in absolute possession of the property. After the death of petitioner's father, the petitioner, petitioner's mother and brothers and uncle were in possession of



the aforesaid property. It is stated that a partition deed registered as Doc. No.936 of 2004 in S.R.O.Rasipuram, was effected between the petitioner's family. In the said partition, Schedule 'A' of the family property was allotted to the petitioner's mother, brothers and petitioner and Schedule 'B' of the property was allotted to petitioner's uncle. It is further stated that on 21.01.2008, the petitioner's uncle Varadharajan executed a sale deed in respect of 'B' Schedule property that was allotted to him as per the partition deed in Doc. No.936 of 2004 dated 29.03.2004 in favour of petitioner's brother namely Srinivasan and petitioner and the same was registered as Doc. No.166 of 2008 before SRO Rasipuram. It is stated that in the year 2014, the petitioner's mother and his brother executed a settlement deed with respect of their shares in favour of the petitioner vide Doc. No.2804 of 2014 dated 11.06.2014 registered before S.R.O.Rasipuram.

3. It is stated that ever since the date of execution of settlement deed in favour of petitioner, the petitioner became the owner of the properties situated at D.No.142/2A, Block 6, Ward 'A', Old S.No.181/1, Rasipuram City, Namakkal District. It is stated that the petitioner is paying water tax, electricity bills and property tax over the past 15 years to the said property. Hence, the petitioner applied for patta in his name for the property situated at New D.No.14/A3, Old Ward No.2, New Ward No.3, C.P.Kannaya Street, Rasipuram Village, Rasipuram Taluk, as per Doc. No.2804/2014. Since no action was taken, the petitioner made an application under Section 6 of the Right to Information Act on 26.03.2018 regarding the sub division of Old S.No.181 and New S.No.142/2A & 143 in D.No.14A/3, C.P.K. Street, Rasipuram Taluk. It is stated that the petitioner came to know that patta in New T.S. No.142/2 stands in the name of one A.W.Samuel. Though patta in New T.S. No.142/2 stands in the name of A.W.Samuel, the same was issued to one Natarajan, N.Chandrasekaran and Mngayakarasi. Hence, the petitioner sent a petition to the second respondent on 19.02.2020 for issuance of patta in his name for the property situated at New. D.No.14/A3, Old Ward No.2, New Ward No.3, C.P. Kanayya street, Rasipuram Village, Rasipuram Taluk and the same was rejected by the second respondent stating that the patta stands in the name of A.W.Samuel and it cannot be issued in the name of the petitioner since no link documents have been produced. Hence the petitioner preferred an appeal to the first respondent on 23.04.2021 in this regard. Since there was inaction on the part of the first respondent, the present writ petition is filed by the petitioner.

4. Learned counsel for the petitioner submitted that though the petitioner has produced all the necessary documents, along with the application to prove his absolute ownership, possession and enjoyment, the second respondent rejected the petitioner's



application without application of mind and also without appreciating the reliable evidence. He further submitted that though the petitioner preferred an appeal before the first respondent, the same was not considered till date.

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5. Learned Government Advocate appearing for the respondents submitted that this Court may direct the first respondent to dispose of the petitioner's appeal and the same may be disposed of by the respondent within a stipulated time.

6. Without expressing any opinion on the merits of the petitioner's case, this Court directs the first respondent to consider the petitioner's appeal dated 23.04.2021 and after affording sufficient opportunities to the parties of being heard, pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Revenue Divisional Officer,
SH 95, Thillaipuram,
Namakkal District,
Namakkal - 637 001.

2. The Special Tahsildar,
Town and Country Planning,
Rasipuram.

+1cc to Mr.A.Thiyagarajan Advocate, S.R.No.54469

+1cc to the Government Pleader, S.R.No.55038

W.P. No.22398 of 2021

SMI (CO)
KKV/04/02/2022