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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8927 OF 2022

N.Manimekalai

...Petitioner

vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Sub-Collector,
Chengalpattu District,
Chengalpattu.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to dispose the petitioner's representation dated 26.12.2020 sent to the 1st respondent and direct them to sub-divide the Plot Nos.128 & 130 from and out of the S.No.372/201A1A1 and issue patta in the name of the petitioner.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the respondents 1 to 3 to dispose



the petitioner's representation dated 26.12.2020 sent to the first respondent and direct them to sub-divide the Plot Nos.128 & 130 from and out of the S.No.372/201A1A1 and issue patta in the name of the petitioner.

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2. The case of the petitioner is that the property in S.No.372/2 situated at Sengundram Village was purchased by one A.F.Moore vide sale deed dated 15.12.1953 from one Mutha Pillai. After his demise, his wife was in possession and enjoyment of the property and she appointed one R.Rodrigues as power agent and subsequently he developed the above said land into plots. Thereafter, one K.Shanmugasundaram purchased Plot Nos.128, 130 vide registered sale deed dated 26.12.1964 which was then purchased by the petitioner vide sale deed dated 28.09.2007. Whiles, after the issuance of UDR Register, the owner of the subject property in respect of S.No.372/201A1A1 was wrongly noted as "Gramathargal" instead of A.F.Moore. Whiles, petitioner made a representation to the respondents 1 to 3 dated 26.12.2020, to rectify the same, subdivide and issue patta in respect of New S.No.372/201A1A1 (Old S.No.372/2) in favour of the petitioner. Since the same was not considered by the respondents 1 to 3, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 26.12.2020 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader for respondents has no objection for said order being passed.

5. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents 1 to 3 to consider the said representation of the petitioner dated 26.12.2020 and pass appropriate orders and dispose of the said representation, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 1 to 3 to decide the same at the time of disposing of the said representation purely



on merits.

6. With the above observations and direction, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

rap

Sub Assistant Registrar

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Sub-Collector,
Chengalpattu District,
Chengalpattu.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.

+1cc to Mr.K.Kannan, Advocate, S.R.No.24703
+1cc to the Government Pleader, S.R.No.25488

W.P.No.8927 of 2022

SJ(CO)
PM/29/04/2022