



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31463 of 2014

A.Thiyagarajan

... Petitioner

Vs.

1. The District Collector,
Cuddalore,
Cuddalore District,
2. The Thasildhar,
Virudachalam Taluk,
Cuddalore District.
3. Ranjithmal Chordia
4. Indharbai Chordia
5. Ashokkumar Chordia

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner representation dated 07.03.2013 and issue patta in favour of the petitioner.

For Petitioner : Mr.S.Janarthanam

For Respondents R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 07.03.2013 and issue patta in favour of the petitioner.

2. The case of the petitioner is that, he claims to be the owner of the property comprised in Survey No.303/8, measuring an extent of 42 cents out of 1 acre 64 cents and the said property was conveyed in favour of the petitioner vide sale deed dated 14.09.1995 registered as Doc.No.1154/95 by one Angammal. As the petitioner was minor during the time of execution of the above



sale deed, the petitioner's mother acted as a guardian for him. Further, the remaining extent of land measuring an extent of 1 Acre 5 cents, out of the aforesaid 1 acre 64 cents were also belonged to the petitioner and his mother viz., Bhagiavathi had acted as a guardian for the petitioner. Whiles, the petitioner's mother being his guardian and his father viz., Ayyaswami have conveyed the aforesaid extent of 1 acre and 5 cents to the respondents 3 to 5 herein, vide sale deed dated 23.03.1995 registered as Document No.379/95. However, it is pertinent to note that, though, the petitioner is minor at the time of execution of sale deed, his name was included as a vendor in the above said sale deed. Pursuant to which, the private respondents have obtained pattas by subdividing the property in Survey No.303/8 as 303/8A and 303/8B in Patta Nos.1962 and 2384 respectively, without including the name of the petitioner as one of the owner of the above disputed property to an extent of 42 cents. Therefore, the petitioner made representations dated 07.03.2013 and 18.06.2013 before the official respondents, however, till date, no orders have been passed on the same. Hence, the present writ petition is filed with the above prayer.

3. Though very many grounds have been raised, learned counsel for the petitioner fairly submitted that, pursuant to the representations made by the petitioner, the 2nd respondent, vide proceedings dated 24.02.2020 in Na.Ka.A4/330/2020, directed the petitioner to appear for enquiry on 25.02.2020 along with the necessary original documents to establish his ownership over the disputed property, however, till date, the said enquiry was not concluded. Hence, it would suffice, if this Court issues direction to the 2nd respondent to conclude the enquiry and issue patta in favour of the petitioner in respect of the property comprised in S.No.303/8, to an extent 42 cents as early as possible.

4. Learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents has no serious objection for the said order being passed and he fairly conceded that the enquiry will be concluded and appropriate orders will be passed on the petitioner's representations within the time that may be stipulated by this Court.

5. In view of the submission made by the learned counsel on either side, this Court without expressing any opinion on the merits of the case, issues direction to the 2nd respondent to conclude the enquiry initiated vide proceedings dated 24.02.2020 in Na.Ka.A4/330/2020 and pass orders on the petitioner's representation dated 07.03.2013 in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the



petitioner and the private respondents.

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

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Cuddalore,
Cuddalore District,
2. The Thasildhar,
Virudachalam Taluk,
Cuddalore District.

+1cc to the Government Pleader, S.R.No.25113

W.P.No.31463 of 2014

GPL(CO)
SB(02/05/2022)