

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26350 of 2022

M.Mani

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Sub-Collector,
Vellore District, Vellore.

3.The Tahsildar,
Vellore Taluk and District.

Respondents

...

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 25.07.2022 sent by the petitioner to grant patta in his favour for the land comprised in Survey No.177/1 to an extent of 0.34 acres situate at Konavattam Village, Vellore Taluk, District.

For Petitioner : Mr.G.Vinodh Kumar

For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 25.07.2022 sent by the petitioner to grant patta in his favour for the land comprised in Survey No.177/1 to an extent of 0.34 acres situate at Konavattam Village, Vellore Taluk, District.

2.The case of the petitioner is that, the property in Survey No.177/1 situated at Konavattam Village, originally belongs to one Unnamalaiammal wife of Arunachala Nadar, by virtue of a family Partition Deed registered as Doc.No.614 of 1952 dated 19.03.1952. Subsequently, the said property was purchased by the petitioner's father namely Munirathnam by virtue of a Sale Deed registered as Doc.No.807 of 1957 dated 27.03.1957. After the demise of the said Munirathnam, the petitioner became the absolute owner of the property. Thereafter, the petitioner made a representation for issuance of patta initially in favour of his father Munirathinam and then transfer the same in favour of the petitioner. The Revenue Inspector, Vellore Taluk, vide his letter A.Thi.Mu/238 of 2020 dated 07.12.2020 has recommended for

grant of patta to the petitioner, based on the enquiry report submitted by the 1st respondent. The petitioner further states that one N.Venkatesan has filed a suit against his mother and siblings in O.S.No.16 of 2016 before the learned District Judge, Vellore seeking for relief of partition. In fact, the said suit is with regard to the S.No.177/2, which is adjacent to the petitioner's land and the same is reflected as boundary in the sale deed purchased by the petitioner's father and that the said suit is not in any way related to the petitioner's land in S.No.177/1. Under these circumstances, the petitioner had made several representations including the one dated 25.07.2022 to the 1st respondent to interfere with the issuance of patta, but, till date the same has not been considered and hence, the petitioner has filed this Writ Petition.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 25.07.2022 and pass orders on the same within a particular time frame fixed by this Court.

4.Mr.U.Bharanidharan, the learned Additional Government Pleader

for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.This Court vide its order dated 30.09.2022 directed the respondents to consider the petitioner's representation dated 25.07.2022 and pass appropriate orders on the same. However, the same was not complied with. Therefore, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 25.07.2022 on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

6.This writ petition is accordingly disposed of. No costs.

30.11.2022

gba

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Sub-Collector,
Vellore District, Vellore.
- 3.The Tahsildar,
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