

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16574 of 2015

and

M.P.Nos.1 and 2 of 2015

M.Padmavathy

...Petitioner

vs

1. The District Collector
Thiruvallur District
Thiruvallur

2. The Tahsildar
Poonamallee Taluk
Thiruvallur District

3. The Taluk Surveyor
Poonamallee Taluk
Thiruvallur District

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the impugned proceedings of the second respondent in Na.Ka.375/2014/A2 dated 6.2.2015, and quashing the same as null and void and against the basic principle of natural justice and consequently directing the second respondent to issue necessary name transfer of patta in the name of the petitioner in respect of the property situated at Kattupakkam, Poonamallee Taluk, Thiruvallur District in Plot Nos.183 and 184 comprised in Survey No.37 to an extent of 1230 square feet within the stipulated period.

For Petitioner : Mr.G.Thangavel

For Respondents : Ms.P.Rajalakshmi
Government Advocate
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that she is the absolute owner of the property admeasuring to an extent of 993 square feet in Plot

Nos.183 and 184, comprised in Survey No.37, and she got the same through a registered settlement deed bearing Document No.12761/2012 dated 22.10.2012, and made an application for transfer of patta to the second respondent and the petitioner, on account of non-passing of the order, has approached the first respondent, who, in turn, directed the second respondent to pass orders. The second respondent vide communication dated 6.2.2015, with copies marked to the first respondent as well as to the petitioner, informed that since the suit in O.S.No.231/2014, on the file of the Court of District Munsif, Poonamallee, is pending, the request made by the petitioner, cannot be granted. The petitioner, aggrieved by the said order, though filed an appeal before the Principal Commissioner of Land Administration, Chennai 5, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that on an earlier occasion, the petitioner has approached this Court by filing W.P.No.29234/2014, to consider and dispose of her representation dated 19.2.2014, and this Court vide order dated 12.11.2014, has disposed of the writ petition by directing the second respondent to consider and dispose of the representation on merits, with a further direction that if the original vendors of the properties in question, held a patta, it can also be taken note of. The learned Counsel appearing for the petitioner, would further submit that the second respondent, though a party to the above said writ petition, without understanding the scope and purport of the order, has erroneously rejected the application and it would suffice to direct the Appellate Authority to consider and dispose of the appeal within a stipulated time frame.

4.The Court heard the submissions of Ms.P.Rajalakshmi, learned Government Advocate, who accepted notice for the respondents, also.

5.Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the Appellate Authority viz. the Principal Commissioner of Land Administration, Chennai 5, to consider the petitioner's appeal dated 25.2.2015, if the papers are in order, and pass orders in accordance with law, after putting on notice, the persons concerned, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nsv

To

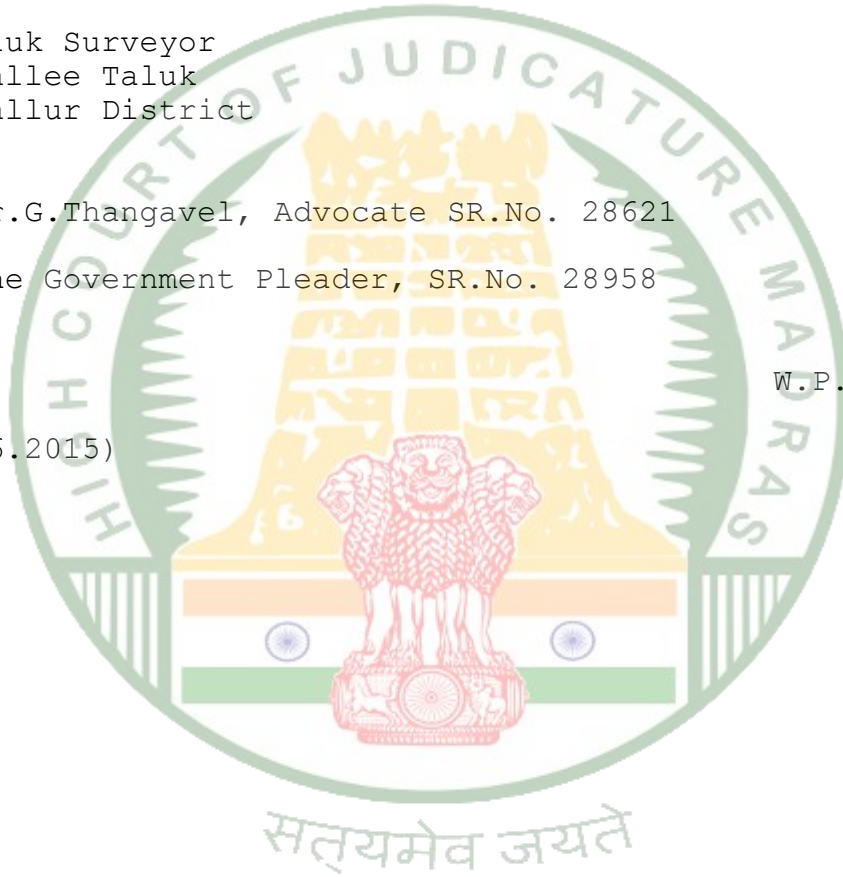
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Thiruvallur District

1 CC to Mr.G.Thangavel, Advocate SR.No. 28621

1 CC to the Government Pleader, SR.No. 28958

SV-I (CO)
PSI (19.06.2015)

W.P.No.16574 of 2015



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