

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19919 of 2015

N.Khem Karan

.. Petitioner

vs

1.The District Collector
Tiruvallur District
Tiruvallur

2.The Tahsildar
Ambattur Taluk
Tiruvallur District

3.The Head Surveyor
Ambattur Taluk
Vellanur Village
Tiruvallur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to issue patta by identifying and measuring the property in Plot Nos.39A and 40A, Mohana Nagar Layout II, measuring 2400 square feet each, the total extent being 4800 square feet, comprised in Survey No.374/7, at No.42, Vellanur Village, Ambattur Taluk, Tiruvallur District (as per Kuthu Patta/Joint Patta No.554) expeditiously within a reasonable time frame.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for RR1 to 3

ORDER

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

2.The petitioner claims that he is the owner of the property situated in Plot Nos.39A and 40A in Mohana Nagar Layout II, measuring to an extent of 4,800 square feet comprised in Survey No.374/7 at No.42, Vellanur Village, Ambattur Taluk, Tiruvallur

District, and he purchased the same through a registered sale deed bearing Document No.3534/1997, registered in the Office of the Sub-Registrar, Avadi, on 18.8.1997. The petitioner further claims that ever since the date of purchase, he is in peaceful possession and enjoyment of the said property.

3.The petitioner would further state that one M.Lakshmanan had purchased Plot No.39A from Muniammal by means of a registered Document No.3571/1969 dated 26.12.1969, on the file of the Sub-Registrar, Poonamallee, and the said person had also purchased Plot No.40A from the very same person through a registered sale deed bearing Document No.222/1971, on the file of the very same Office. According to the petitioner, he, after purchase, submitted an application/representation dated 12.3.2010, for getting individual patta by paying necessary fees and since no orders have been passed, approached the Office of the respondents 2 and 3 repeatedly and also invoked the provisions of the Right To Information Act to find out the stage of his application; but, the efforts putforth by him, became futile and left with no other option, came forward to file this writ petition.

4.Mr.M.Vijayakumar, learned Counsel appearing for the petitioner, has drawn the attention of this Court to the voluminous typed-set of documents and would submit that the petitioner has submitted an application for issuance of patta in respect of Plot Nos.39A and 40A, purchased by him under the above said sale deeds, as early as on 12.3.2010, after complying with all procedural formalities and also submitted a reminder on 10.8.2011, to the second respondent for issuance of individual patta and though he sought necessary information under the Right To Information Act, he has not been favoured with any kind of response and left with no other option only, he is constrained to approach this Court and prays for appropriate orders.

5.The Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 to 3, also.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's application dated 12.3.2010, praying for issuance of individual patta, as well as the reminder dated 10.8.2011, sent by the petitioner, in accordance with law, after putting on notice, the persons concerned, within a period of four weeks from the date of receipt of a copy of this order. It is also open to the petitioner to submit one more reminder to the second respondent by enclosing a copy of this order as well as copies of his earlier application dated 12.3.2010, and reminder dated 10.8.2011, and the second respondent,

on receipt of the same, shall take it into consideration and pass orders within the time stipulated above, and communicate the decision taken, to the petitioner as well as to the persons concerned. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The District Collector
Tiruvallur District
Tiruvallur
- 2.The Tahsildar
Ambattur Taluk
Tiruvallur District
- 3.The Head Surveyor
Ambattur Taluk
Vellanur Village
Tiruvallur District

+1 cc to Goverment Pleader, Advocate, sr.34346

+3 cc to Mr. Vijayakumar, Advocate, sr.33800

W.P.No.19919 of 2015

vgi(co)
kra(24/07)

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