

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM

The Hon'ble Mr.Justice T.S.SIVAGNANAM

W.P.Nos.25207 and 25208 of 2014

B.Ramakrishnan

... Petitioner in W.P.No.
25207 of 2014

B.Rajendran

... Petitioner in W.P.No.
25208 of 2014

vs

1. The Assistant Settlement Officer (North)
Office of the Principal Secretary &
Commissioner of Land Survey & Settlement,
Chepauk, Chennai - 600 005.
- 2 The Tahsildar
Taluk Office
Cheyyur, Kancheepuram District. ... Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to implement the order granting patta passed by the first respondent in (i) SR17/11/E2/5334/2011/Lawxxvi/1963 and (ii) SR16/11/E2/5333/2011/ Lawxxvi/1963 respectively dated 06.02.2012 as per the petitioners' representations dated 06.04.2012, 14.05.2013 and 28.08.2014 by making necessary changes in the Village and Taluk Accounts, in view of the order passed by this Court in W.P.No.32687 of 2012 dated 14.12.2012 and thereby issue a patta in respect of the land measuring an extent of (i) 8.29 hectares comprised in Survey No.233 and (ii) 12.32 hectares comprised in Survey No.240 situated at Kokkaranthangal Village (Arcot Unit), Cheyyur Taluk, Kancheepuram District in favour of the petitioners.

For Petitioner
in both W.Ps.

: Mr.M.Rajendran

For Respondents
in both W.Ps.

: Mr.S.Gunasekaran
Government Advocate

COMMON ORDER

The prayer in these writ petitions is for the issuance of a writ of mandamus to direct the second respondent to implement the order granting patta passed by the first respondent in (i) SR17/11/E2/5334/2011/Lawxxvi/1963 and (ii) SR16/11/E2/5333/2011/Lawxxvi/1963 respectively dated 06.02.2012 as per the petitioners' representations dated 06.04.2012, 14.05.2013 and 28.08.2014 by making necessary changes in the Village and Taluk Accounts, in view of the order passed by this Court in W.P.No.32687 of 2012 dated 14.12.2012 and thereby issue a patta in respect of the land measuring an extent of (i) 8.29 hectares comprised in Survey No.233 and (ii) 12.32 hectares comprised in Survey No.240 respectively situated at Kokkaranthangal Village (Arcot Unit), Cheyyur Taluk, Kancheepuram District in favour of the petitioners.

2. When the matter is taken up today for hearing, the learned counsel appearing for the petitioners submitted that the issue involved in these writ petitions is squarely covered by the decision of this Court rendered in W.P.No.19608 of 2013 dated 06.02.2015, wherein this Court relying upon the earlier order passed in W.P. No.29465 of 2012, dated 02.11.2012 disposed of the said writ petition. The operative portion of the said order is extracted here under for better appreciation:

"3. A perusal of the order relied upon by the learned counsel for petitioner would show that the learned Single Judge, after ascertaining from the learned Government Advocate appearing for respondents that no Appeal was filed against the order passed by the first respondent, disposed of the said Writ Petition. For better appreciation, the operative portion of the order rendered in the said Writ Petition is extracted hereunder:-

" In view of the said submission, there is no legal impediment to pass an order in the application submitted by the petitioner seeking implementation of the order dated 2.11.2011. Hence, the second respondent is directed to implement the said order of the first respondent, as requested by the petitioner in its representation dated 6.4.2012, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with above direction. No costs."

4. Considering the fact that following the order, dated 2.11.2012, (quoted supra) several Writ Petitions were disposed of by this Court, coupled with the further fact

that the learned Government Advocate for respondents has no objection in following the order relied upon by the learned counsel for the petitioner, the present Writ Petition is also disposed of, on the same line, i.e., directing the second respondent to implement the order passed by the first respondent based on the petitioner's last made representation dated 14.05.2013, within a period of eight weeks from the date of receipt of a copy of this order. No costs."

3. Following the aforesaid orders, these writ petitions are also disposed of on the same lines, directing the second respondent to implement the order passed by the first respondent dated 06.02.2012 by considering the representation submitted by the petitioners dated 28.08.2014 in this regard. The above exercise shall be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar
Dated:10.3.15

True Copy

Sub Assistant Registrar

To

1. The Assistant Settlement Officer (North)
Office of the Principal Secretary &
Commissioner of Land Survey & Settlement,
Chepauk, Chennai - 600 005.
- 2 The Tahsildar
Taluk Office
Cheyyur, Kancheepuram District.

+1 cc to Mr.M.Rajendran, Counsel for petitioner, SR.11391

+1 cc to Government Pleader, SR.11554.

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