

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.24753 of 2015
and M.P.No.1 of 2015

Sumathy Anbarasu

... Petitioner

Vs.

The Tahsildhar,
Office of the Velacherry Taluk,
Velacherry Taluk, Taramani,
Chennai - 113.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records in RTR 6(2)/058/2015 dated 24.02.2015 from the file of respondent and quash the same and direct the respondent to issue patta to plot No.16, 2nd East Street, Kamarajar Nagar, Thiruvanmiyur, Chennai in favour of the petitioner.

For Petitioner : Ms.R.T.Sundari

For Respondents : Mr.Roofus Abraham,
Govt.Advocate

ORDER

By a registered sale deed dated 3.8.1984, the Tamil Nadu Housing Board sold plot No.16 measuring an extent of one ground 1814 sq.ft in Survey No.120/4B (part), 120/3 (part) of Thiruvanmiyur in favour of one M.Ramathilagam. The said property comes within the Thiruvanmiyur neighbourhood scheme, which was approved by the Government. The said Ramathilagam executed a sale deed in favour of one P.Prarthana on 11.3.1994 in respect of a share of the said property. The remaining part was sold by the very same person in favour of P.Siddharth on 9.3.1994. Both P.Siddharth and P.Prarthana in turn executed settlement deeds in favour of the petitioner on 30.9.2011 and 14.02.2012 in respect of the said property. Thereafter, the petitioner sought for patta. The request was rejected by the respondent on the sole ground that as per records, the land is classified as circar poramboke. Challenging the same, the present writ petition is filed.

2. As the facts narrated above are not in dispute, the impugned order cannot be sustained. The scheme is formulated by the Government and executed by the Tamil Nadu Housing Board. A sale deed was

executed in the year 1984 in respect of the said property. The petitioner's settlement deeds were executed in the years 2011 and 2012. Constructions have been put up decades ago. The scheme consists of several properties. Thus, when once the property becomes that of the Housing Board, being an instrumentality of the State, from whom, a private individual has purchased, then it loses the character of Government land. A mere indication in the revenue records by itself cannot be a ground to non-suit the petitioner from getting patta in view of the fact that she is a bonafide purchaser for valuable consideration, when the first title holder, being the Tamil Nadu Housing Board and it got the property from the Government, represented by its Secretary to Housing and Urban Development Department.

3. For the foregoing reasons, the writ petition is allowed and order impugned is set aside and the respondent is directed to issue patta to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To
The Tahsildhar,
Office of the Velacherry Taluk,
Velacherry Taluk, Taramani,
Chennai - 113.

+1 cc to Mr.R.Margabandhu, Advocate, sr.49480
+1 cc to The Government Pleader, sr.49848

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W.P.No.24753 of 2015

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