

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7738 of 2015

N.Raman

.. Petitioner

Versus

1. State rep. by its
The District Collector,
Chennai District,
Chennai.

2. The Tahsildar,
Velacherry,
Taramani,
Chennai - 600 113.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the respondent to issue patta to the petitioner in respect of lands to the extent of 55cents comprising in Survey No.317/1 Part, T.S.No.1/1, Block No.189, Velachery Village, approved by LPDM/DTP No.26/70 immediately.

For Petitioner : Mr.M.Gnanasekar
For Respondent : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2. The petitioner seek for a writ of mandamus to direct the respondent to grant patta in respect of the property comprised in Survey No.317/1 Part, T.S.No.1/1, Block No.189, Velachery Village.

3. Admittedly, the property was encroached by certain third parties and though the petitioner filed an earlier representation for grant of patta on 05.09.2013, the same was not processed, since there were encroachments. Therefore, the petitioner approached this court for a direction to dispose of his representation dated 20.08.2013, wherein he claimed for removal of the encroachments in the said

property by filing W.P.No.24596 of 2013. The said writ petition was disposed of by order dated 11.09.2013 with a direction to the 2nd respondent therein to consider the representation as per law within the time frame. It is stated that pursuant to such direction, no action was taken and subsequently, the petitioner filed Contempt Petition No.3285 of 2014 and it is submitted that after the contempt petition was filed, respondents took action and encroachments have been cleared and the petitioner is now in possession of the property. However to establish the same, there is nothing on record before this court.

4. Subsequently, the petitioner has given another application on 10.03.2015 for grant of patta and within less than 10 days, the petitioner has filed this Writ Petition to issue a writ of mandamus to grant patta. The petitioner without even awaiting for a reasonable time, has rushed to this court for grant of patta. The earlier application for grant of patta said to have been given by the petitioner on 05.09.2013 is of little avail as on that date, the petitioner was not in enjoyment of the property.

5. In the light of the above, no positive direction as sought for by the petitioner could be granted at this stage. However, the petitioner is permitted to pursue his application for grant of patta dated 10.03.2015 before the 2nd respondent by appearing in person and producing a copy of this order. On the petitioner appearing in person, the 2nd respondent shall consider the request and proceed in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

AP/gya

To

1. The District Collector,
Chennai District,
Chennai.

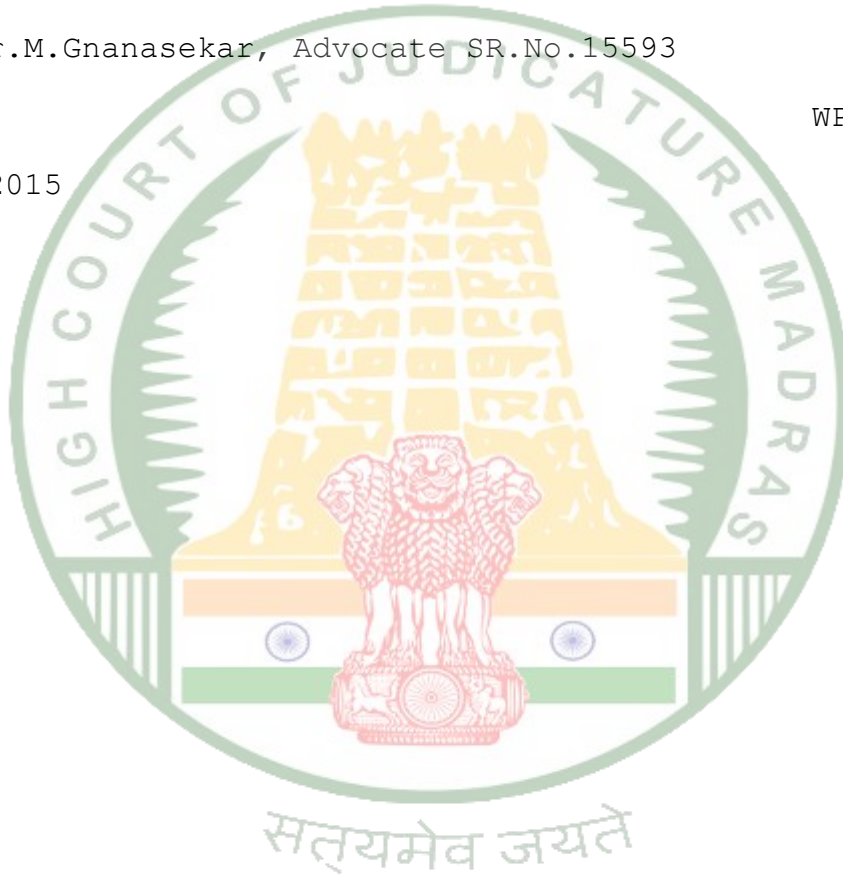
2. The Tahsildar,
Velacherry,
Taramani,
Chennai - 600 113.

+1cc to Mr.A.Lakshmi Narasimhan, Advocate SR.No.16003

+1cc to Mr.M.Gnanasekar, Advocate SR.No.15593

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gp/25.03.2015



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