

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10695 of 2016

S.Rajendiran

.. Petitioner

Vs.

1. The District Collector,
Kanchipuram,
Kanchipuram District.

2. The Revenue Divisional Officer,
Kanchipuram, Kanchipuram District.

3. The Commissioner,
Kanchipuram Municipality,
Kanchipuram.

4. The Special Tahsildar,
Town Land Tax Revenue,
Kanchipuram Municipality,
Kanchipuram District.

5. The Land Surveyor,
Kanchipuram Municipality,
Kanchipuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to issue the patta to the petitioner in Kanchipuram District, Kanchipuram Town Registry - (861/1F (0.0005.0) Sq.M., 861/2A (0.0008.5) Sq.M., 861/2B (0.00046.5 Sq.M), 861/2C (0.0003.0) Sq.M., 861/2D (0.0003.0) Sq.M., 861/2E (0.0002.0) Sq.M.,) in his name with reference to the fourth respondent's letter (Na.Ka.104/2015/a), dated 15.12.2015.

For Petitioner : Mr.M.Senthamizh Selvan

For Respondents : Mr.S.Pattabiraman, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to issue the patta to the petitioner in Kanchipuram District, Kanchipuram Town Registry - (861/1F (0.0005.0) Sq.M., 861/2A (0.0008.5) Sq.M., 861/2B (0.00046.5 Sq.M), 861/2C (0.0003.0) Sq.M., 861/2D (0.0003.0) Sq.M., 861/2E (0.0002.0) Sq.M.,) in his name with reference to the fourth respondent's letter (Na.Ka.104/2015/a), dated 15.12.2015.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he purchased a property with building, in Kanchipuram District, Door No.71-A, Old Survey No.858/1, Municipal New Survey No.861, with 791-1/2 Sq.Ft., on 26.10.1998 from one S.Rathnavel Chettiar, which was registered in the Sub-Registrar Office, Kanchipuram in Document No.1922/1998. Subsequently, he got the Town Survey Field Register from the third respondent in IC.No.593/1999, which clearly shows that the petitioner is the absolute owner of the said property, but the Town Survey Register details had not been entered in the Town Registry. It is his further case that, in the meantime, the above said property was divided into five parts, by the legal heirs of one Subramanian and the said Subramanian filed a suit in O.S.No.906 of 1998 on the file of the District Munsif Court, Kanchipuram, which was dismissed on 23.04.2002. Thereafter, the petitioner made several representations to the respondents to alter/correct the patta in his name and the respondents did not take any action. Lastly, he made a representation to the fourth respondent on 30.03.2015 to change the patta in his name. In December 2015, the fourth respondent recommended to the second respondent through letter (Na.Ka.No.104/2015/a) to correct the improper names in the Town Registry in respect of the above said property. Till now, the second respondent has not taken any action. On 09.01.2016, legal opinion was given by the learned Government Pleader-cum-Additional Public Prosecutor, Sub-Court, Kanchipuram to the fourth respondent, stating that the petitioner is entitled to get patta in his name with regard to the property. It is further stated by the petitioner that he paid the water charge, property tax, etc., before the third respondent in his name and Encumbrance Certificate for the period 1968-1986 and 1987-2015 clearly shows that the petitioner is the absolute owner of the property. Since no action has been taken by the respondents to issue patta in favour of the petitioner in respect of the above said property, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the factual aspects of the matter, without going into the merits of the case, this Court directs the second and fourth respondents to consider the said representation, dated 30.03.2015 of the petitioner and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the second and fourth respondents to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

1. The District Collector,
Kanchipuram,
Kanchipuram District.
2. The Revenue Divisional Officer,
Kanchipuram, Kanchipuram District.
3. The Commissioner,
Kanchipuram Municipality,
Kanchipuram.
4. The Special Tahsildar,
Town Land Tax Revenue,
Kanchipuram Municipality,
Kanchipuram District.
5. The Land Surveyor,
Kanchipuram Municipality, Kanchipuram.

+ 1 cc to M/s.Mr.M.Senthamizh Selvan Advocate SR 18110
+ 1 cc to The Govt.Pleader, SR 18395

KR/1/4/16

W.P.No.10695 of 2016