

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12478 of 2016

1 D.Dhanavel ... Petitioner

Vs.

1 The District Collector
Vellore District

2 The District Revenue Officer
Vellore District

3 The Revenue Divisional Officer
Ranipet, Vellore

4 The Tahsildar
Walaja Taluk
Vellore District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd Respondent to consider and dispose of the Appeal dated 27.01.2016 challenging the order passed by the 4th Respondent denying for issuance of patta to the petitioner in respect of the property comprised of S.F. No. 117 Old S.No.159/part situated at Door NO.35A/2 M.P.T. Road Ranipet, Vellore District.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.M.Dig Vijay Pandian
Additional Government Pleader

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the 3rd Respondent to consider and dispose of the Appeal dated 27.01.2016 challenging the order passed by the 4th Respondent denying for issuance of patta to the petitioner in respect of the property comprised of S.F. No. 117

Old S.No.159/part situated at Door NO.35A/2 M.P.T. Road Ranipet, Vellore District.

(2.1) The case of the petitioner is that he had been in possession of the property situated at No.35/A/2, M.B.T.Road, Ranipet from 1.6.2007 on execution of sale agreement and on payment of Rs.2 Lakhs as advance. Subsequently, an unregistered sale deed was executed by Mrs.Rani, wife of Adhikesavan in his favour for a valid consideration of Rs.6 Lakhs on 19.3.2010. The petitioner could not get the sale deed registered due to the objection raised by one Mr.R.Sapudeen, the Deputy President of Municipal Administration. The petitioner has been paying the property tax and water tax from 1.6.2007 till date.

(2.2) Originally the said property was under the category of Minor Inam and later on converted into Natham Poromboke land in the revised Settlement Register on 15.9.1973 and patta bearing No.16 was issued in favour of Haheem Abdulram Sayabu. The said Hameed Abdulram Saybu died intestate, leaving behind no legal heirs. The petitioner came to understand that Muthavalli of Navalpur Jamiya Masjit with the help of Municipal Administration has illegally changed the name of ownership of the property in the name of Navalpur Jamiya Masjit.

(2.3) The Muthavalli of Navalpur Jamiya Masjit sent a letter dated 31.7.2015 to cancel the property tax assessment No.5670 for the property in question. The petitioner received a notice dated 6.8.2015 from the Commissioner of Ranipet Municipality, asking him for production of certain documents.

(2.4) The petitioner made a detailed representation dated 22.8.2015 to the respondents and other officials seeking for issuance of patta in respect of the said property. The fourth respondent-Tashildar passed an order dated 15.11.2015 rejecting his application for grant of patta on the ground that the Town survey Nos.109 to 123, 125, 126 and 127 are found in the name of said Masjit.

(2.5) As against the order passed by the fourth respondent, the petitioner preferred an appeal dated 27.1.2016 to respondents 1 to 3. Since no order is passed in his appeal, he has filed this Writ Petition.

(3) Heard the learned counsel for the petitioner and Mr.M.Dig Vijay Pandian, learned Additional Government Pleader appearing on behalf of the respondents.

(4) In view of the limited scope of prayer made by the petitioner and considering the submissions made on either side,

this Court directs the third respondent to consider the appeal preferred by the petitioner dated 27.1.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as the necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

- 1 The District Collector, Vellore District
- 2 The District Revenue Officer, Vellore District
- 3 The Revenue Divisional Officer, Ranipet, Vellore
- 4 The Tahsildar, Walaja Taluk, Vellore District

+1 cc to The Government Pleader, sr.21288
+1 cc to Mr.G.Jeremiah, Advocate, sr.21244
+1 cc to Mr.A.Nagarathinam, Advocate, sr.20873

W.P.No.12478 of 2016

kk co

kra 28.04.2016

WEB COPY