

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12500 of 2016

1 Mr.Palani  
2 P.Jansi ... Petitioners

Vs.

1 The District Collector  
Kancheepuram.  
2 The District Revenue Officer  
Kancheepuram  
3 The Revenue Divisional Officer  
Chengalpattu.  
4 The Tahsildar  
Taluk Office Chengalpattu. ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the 2nd respondent to pass an order for issuing patta based on the enquiry reports of 3rd and 4th respondent within a stipulated time period.

For Petitioner : Ms.D.Almas Banu

For Respondents : Mr.S.Navaneethan  
Additional Government Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the 2nd respondent to pass an order for grant of patta, based on the enquiry reports submitted by the third and fourth respondents, within a stipulated period.

2. The case of the petitioners is that the properties, namely vacant lands, measuring an extent of 0.28 cents in Survey No.64/1 and 0.05 cents in Survey No.64/2, at No.22, Rathnamangalam Village, Chengelpet Division, belong to the petitioners. The second petitioner got 0.04 acres in S.No.64/2B from the first petitioner under Registered Settlement

Deed dated 21.3.2011 and the said Settlement Deed was registered based on the partition dated 4.4.1990. The petitioners are residing outside the Rathnamangalam Village. Taking advantage of that position, the first petitioner's younger brother, who is residing in the above village, is colluding with other persons and doing harm to the petitioners. There is a kulam near the properties in question and some influential persons constructed a mandapam in front of the properties in the car track by blocking ingress and egress of the way. The mud excavated from the kulam was stored in the petitioners' land under the guise of strengthening the bund. By doing such acts, the respondents are obstructing the petitioners from enjoying their lands. Further, the fourth respondent informed them that the land in Survey No.64/1 is booked in the name of one Synamalammal. The said Synamalammal has no right of interest over the properties of the petitioners. Hence, the petitioners approached the said Synamalammal to give consent to change the patta in favour of the petitioners. She also gave consent in writing. The consent letter given to the fourth respondent is available in his file. Further, the petitioners approached many times the respondents to remove the obstruction made in the public usage pathway and vandipathai, by submitting representation dated 12.10.2009. Based on the representation, the fourth respondent conducted enquiry and prepared a report in favour of the first petitioner on 25.10.2010. Subsequently, the third respondent also conducted an enquiry and submitted a report in his favour on 14.1.2011. Both reports were furnished to the first respondent. Though both reports were submitted in favour of the petitioners, the second respondent has not passed order with regard to issuance of Patta. Hence, the petitioners have come forward with this writ petition.

3. The learned Additional Government Pleader, who took notice for the respondents, fairly submitted that if relevant documents are produced by the petitioners, the respondents are not opposed to grant patta in their favour, however, reasonable time may be given to them consider their request.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to pass appropriate orders, on merits and in accordance with law, with regard to issuance of patta in favour of the petitioners, in respect of lands, measuring an extent of 0.28 cents in Survey No.64/1 and 0.05 cents in Survey No.64/2, at No.22, Rathnamangalam Village, Chengelpet Division, in the light of the reports dated 14.1.2011 submitted by the third respondent and dated 25.10.2010 submitted by the fourth respondent, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, whose interest will be adversely affected, 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 second 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.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ajr

To

- 1 The District Collector  
Kancheepuram.
- 2 The District Revenue Officer  
Kancheepuram
- 3 The Revenue Divisional Officer  
Chengalpattu.
- 4 The Tahsildar  
Taluk Office Chengalpattu.

+ 1 cc to M/s. D. Almas Baun, Advocate, S.R.No.20872  
+ 1 cc to Government Pleader SR.21287

SNS(CO)  
EU(7/04/2016)

सत्यमेव जयते

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