

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13867 of 2016

G.Ravikumar

... Petitioner

vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer
(Sub Collector),
The Collectorate,
Kancheepuram.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to consider the representation of the petitioner dated 19.3.2016 made seeking to issue patta.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider his representation dated 19.3.2016, which was made for the issuance of patta.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is the absolute owner of the building situated at No.28B, Nellukara Street, Kancheepuram, measuring to an extent of 12 ½ feet east to west and north to south 220 feet on the western side of the above said house in Old Town Survey No.585 and New Survey No.586 having purchased the same in the year 2003 vide registered document No.653/2003 executed by one

Ravichandran. Thereafter, the petitioner is paying the municipal tax and other taxes to the Kancheepuram Municipality regularly. Further, the petitioner and his wife obtained bank loan by depositing the title deeds of the said property and had also discharged the same.

(b) On 16.6.2015, the petitioner applied for patta for the said property in his name before the Tahsildar, Nagara Nilavari Thittam, Kancheepuram, along with necessary documents and the same was numbered as RPT Nos.486/15 and 487/15. But, the said application was not considered and hence, the petitioner and his wife approached this Court by filing writ petitions in W.P.Nos.29435 and 29436 of 2015 seeking issuance of patta. In the said writ petitions, this Court, by an order dated 18.9.2015, directed the Tahsildar to consider the case of the petitioner and his wife and pass appropriate orders within eight weeks.

(c) Pursuant to the said order, the Tahsildar measured the petitioner's property and affirmed that the measurements found in the sale deeds standing in the name of the petitioner and his wife are correct and forwarded the proceedings to the second respondent for grant of patta. Despite the same, the second respondent has not passed any order. Finally, the petitioner made a representation dated 19.3.2016 to the second respondent for issuance of patta. But, the said representation was also not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 19.3.2016 for issuance of patta and pass appropriate orders / take necessary action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner and his wife as well as to the necessary parties, if any, 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 with regard to the

merits of the claim projected 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.

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

sbi

To

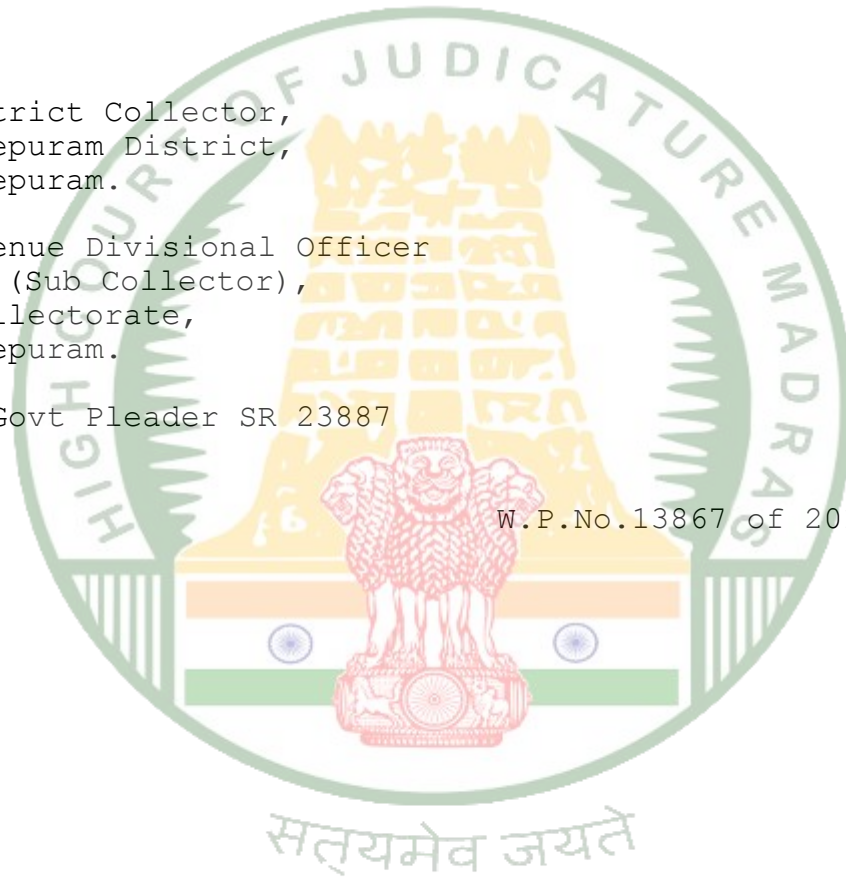
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+1 cc to Govt Pleader SR 23887

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