

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13904 of 2016

Accord Finance and Properties

Pvt. Ltd.,

rep. by its Director

B.Ramesh Nahar

... Petitioner

vs.

1. The Collector,
Office of the Collectorate,
Kancheepuram District,
Kancheepuram.

2. The Tahsildar,
Taluk Office,
Tiruporur,
Kancheepuram District.

... 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 issue patta in Survey Nos.5, 6/1, 6/2, 7, 8, 9, 10, 11/2 to an extent of 2.25.0 hectares or 5.58 acres of land at Kelambakkam Village, Tiruporur Taluk, Kancheepuram District, to the petitioner's company based on the application dated 25.1.2016.

For Petitioners : Mr.D.Veerasekaran

For Respondents : Mr.S.Navaneethan,
Addl. Govt. Pleader

ORDER

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

2. The petitioner company has come up with the present writ petition for a mandamus, directing the second respondent to issue patta in Survey Nos.5, 6/1, 6/2, 7, 8, 9, 10, 11/2 measuring to an extent of 2.25.0 hectares or 5.58 acres of land at Kelambakkam Village, Tiruporur Taluk, Kancheepuram District, in their favour based on the application dated 25.1.2016.

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

(a) Originally, the land measuring nearly to an extent of 12.56 acres in Survey Nos.5 to 11/2 of Kelambakkam Village belonged to one Thayarammal. The said Thayarammal sold the said land to one Col.Gurudayal Singh in the year 1948, 1951 and 1952. The said Col.Gurudayal Singh executed a Will dated 28.11.1961 in favour of his son Col.I.S.Gill. After the death of Col.Gurudayal Singh, the said Will was probated before this Court in O.P.No.402 of 1984 and Col.I.S.Gill became the owner of the said property.

(b) Thereafter, one Sujatha Kesavan purchased the entire land of 12.56 acres from the said Col.I.S.Gill on 9.8.1985 vide document No.2226 of 1985 on the file of SRO, Tirupporur. After that, the said Sujatha Kesavan became the absolute owner of the property and patta was also standing in her name in Patta No.75. From the said Sujatha Kesavan, the petitioner company purchased the entire land vide document No.2020 of 1995 dated 27.7.1995 on the file of SRO, Thirupporur. Now, the petitioner company became the absolute owner of the said property and they are continuously paying the tax for the said land from 1995 onwards till date.

(c) In the year 1999, the petitioner company out of 12.56 acres of land sold 6.98 acres of land to seven persons. The said seven persons got patta and chitta and relevant entries have also been made in the register maintained by the second respondent. Subsequently, the petitioner company filed an application dated 25.1.2016 before the second respondent seeking to issue patta in their favour and the same is pending without assigning any reason. According to Rule 9 of the Tamil Nadu Patta Pass Book Rules 1987, the Tahsildar shall carry out the necessary changes in the patta pass book and shall issue a new patta pass book, if necessary, within a period of 15 days. Since no action was taken on the application filed by the petitioner company, 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 application of the petitioner dated 25.1.2016 and pass appropriate orders / take necessary action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner

company as well as to the necessary parties, if any, within a period of four 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 company 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.
sbi

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Collector,
Office of the Collectorate,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Taluk Office,
Tiruporur,
Kancheepuram District.

+ 1 cc to Mr.D.Veerasekaran, Advocate, SR 23752

+ 1 cc to Govt.Pleader, High Court, Madras SR 23846

skv(co)
prk22/4

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