

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14834 of 2016

P.Venkataramana

... Petitioner

vs.

The Tahsildar,
Perambur - Purasawakkam Taluk,
Perambur, Chennai-11.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Tahsildar, Perambur - Purasawakkam Taluk, the respondent herein, to consider the petitioner's representation dated 15.2.2016 and to initiate appropriate action for issuance of patta as requested by the petitioner.

For Petitioner : Mr.J.Thilagaraj

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 respondent herein, to consider his representation dated 15.2.2016 and to initiate appropriate action for issuance of patta as requested by him.

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

(a) The petitioner is the absolute owner of the land and house measuring to an extent of 2721 sq.ft. situated partly in Mohammadiar Street and partly in Paper Mills Road, Perambur, Block No.23, Survey No.34. The said property is consisting of two parts, one part measuring to an extent of 592 sq.ft., having access from the Paper Mills Road and the other measuring 2129

sq.ft., having access from the Mohammadiar Street. The part of the property on the Paper Mills Road bears Door No.150/253 and the part of the property on the Mohammadiar Street bears Door No.73/25.

(b) Originally, the said property was purchased by his father late P.R.Parthasarathy Naidu from one Abdur Akram Sahib by way of sale deed dated 2.12.1948 registered as document No.2518 of 1948. Even before purchasing the said property, the petitioner's paternal grand father P.M.Ramanujalu Naidu was a tenant in part of the same and he was running a flour mill in the premises. The said property was assessed for all taxes including urban land tax and all the payments were paid regularly.

(c) On 3.10.1989, the petitioner's father executed a Will and the same was registered as document No.119 of 1989. By the said Will, his father bequeathed the said property in his favour. After the death of his father, the petitioner took out an application in O.P.No.89 of 1991 before this Court for getting the Will probated and this Court, by an order dated 15.5.1991, approved the said Will and issued a Letter of Administration in favour of the petitioner.

(d) In the year 1999, the petitioner raised a new superstructure in the said property after demolishing the old structure. The plan approval and the building permit dated 22.3.1999 were issued by the Corporation of Chennai. Thereafter, the petitioner consistently approached the revenue authorities for issuance of patta in his name in respect of the said property. After a long delay, on 23.12.1991, patta was issued in his name only in respect of a part of the said property. In this regard, he sent many representations to the authorities concerned seeking patta for the remaining part of the property. Since the same was not considered, finally, the petitioner submitted a detailed representation dated 15.2.2016 to the respondent, requesting him to initiate necessary action for issuance of patta for the remaining portion of the said property. Since the same was also not considered, 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 respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to consider the representation of the

petitioner dated 15.2.2016 and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to 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 merits of the claim projected by the petitioner and it is for the 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-III)

//True Copy//

Sub Assistant Registrar

sbi

To

The Tahsildar,
Perambur - Purasawakkam Taluk,
Perambur, Chennai-11.

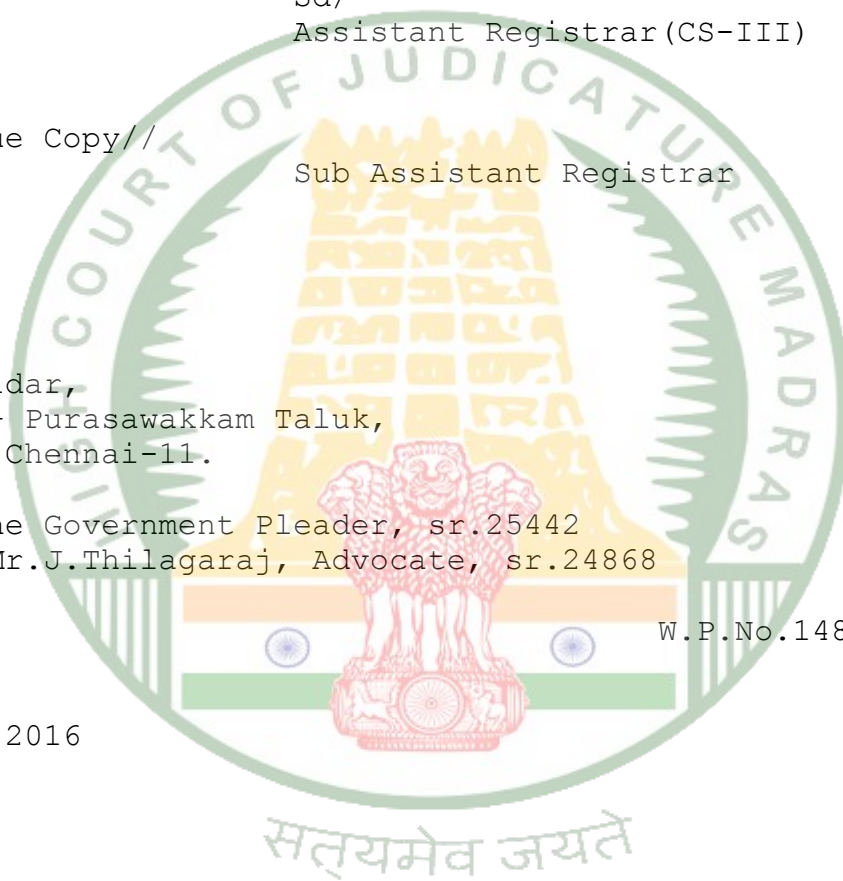
1 cc to The Government Pleader, sr.25442

2 ccs to Mr.J.Thilagaraj, Advocate, sr.24868

W.P.No.14834 of 2016

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