

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.21950 of 2013 &

M.P.No.1 of 2013

M/s.Anbu Trading Private Limited,
Rep. By its Director,
Mr.T.Dhanashekar
No.664/9, S.N.Arcade,
G.S.T.Road, (Opp. MEPZ),
Tambaram Sanatorium,
Chennai-600045.

.. Petitioner

.Vs.

The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the respondents culminating in the impugned order dated 04.02.2013 bearing Ref.No.Na.Ka.435/2013/A1 and quash the same and direct the respondent to dispose of the application for patta filed by the writ petitioner afresh after considering the relevant documents.

For petitioner : Mr.J.Viswanathan

For Respondent : Mr.K.Balamurugan
Government Advocate

O R D E R

Heard the learned counsel on both sides.

According to the petitioner, the petitioner Company was successful bidder in the public auction conducted by the Debt Recovery Tribunal-I, Chennai on 10.06.2011. The said sale was confirmed on 23.11.2011 and the Sale Certificate, dated 02.01.2012, was registered as document No.132 of 2012 before the Sub Registrar Office, Tiruvallur.

2. Under such circumstances, the petitioner had made an application before the respondent seeking for patta in his favour. However, the respondent had rejected the application on 04.02.2013 without any notice to him or considering his representation.

3. On a bare perusal of the impugned order, it is clear that the respondent has not taken into account the title derived by the petitioner over the subject lands. When the respondent has come to the conclusion that the revenue records does not stand in the name of the petitioner, he is duty bound to give an opportunity to the petitioner before rejecting his application. The impugned order is in clear violation of the principles of natural justice and hence the impugned order is liable to be set aside.

4. Accordingly, the writ petition is allowed and the order dated 04.02.2013 passed by the respondent, is quashed. The petitioner is permitted to furnish a fresh application seeking for patta for the subject lands and on receipt of such an application, the respondent shall conduct appropriate enquiry, after giving opportunity to the petitioner and thereby grant patta for the aforesaid lands in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.

+1cc to the Government Pleader Sr.67538

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