

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22678 of 2016

1.Vijay B Daswani
2.Gita B Daswani
3.Chandrakant B Daswani .. Petitioners

Vs.

1.The Collector,
Chennai District,
Chennai.
2.The Tahsildar,
Triplicane,
Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to transfer the patta in respect of No.162, Mount Road (Anna Salai), Chennai-600 002, measuring of 7 Grounds & 120 Sq.ft. in favour of and in the name of the petitioner herein, namely 1. Vijay B Daswani, 2. Gita B Daswani and 3. Chandrakant B Daswani as they are the only legal heirs of the erstwhile owners.

For Petitioners : M/s.N.Kavitha Rameshwar

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

Pursuant to the orders passed by this Court dated 01.07.2016, both the respondents are present before this Court. The second respondent has filed a counter affidavit.

2. The grievance expressed by the petitioners is that despite several Court proceedings ended in their favour and repeated requests, patta has not been transferred and therefore, the petitioners have filed this writ petition.

3. The second respondent has filed a counter affidavit stating among other things that the concerned surveyor has conducted inspection and found that there is a variation in the extent of land and based on the same, the Deputy Tahsildar, Mylapore who is the competent authority to issue name transfer, has rejected the same on 22.10.2015 and insofar as another representation submitted by the petitioners are concerned, the Revenue Officials were engaged in flood relief operations and in obedience of the orders passed by this Court dated 01.07.2016, the land was again measured by the Surveyor in the presence of the Tahsildar, Mylapore and the portion which was encroached by the adjacent land owner was identified and that the encroachments would be removed at an early date. It is also brought to the knowledge of this Court that the patta required by the petitioners have also been issued in C.A.No.314 of 2016 dated 08.07.2016.

4. Heard the submissions of the learned counsel appearing for the petitioners, who would submit that in the light of subsequent development nothing survives for adjudication in this writ petition.

5. Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents prays for dispensing with the personal appearance of the respondents 1 and 2. This Court was constrained to require the presence of the respondents for the reason that it is repeatedly being flood with writ petitions for issuance of patta, legal heir certificate, transfer of patta etc., and therefore, instructed the first respondent to take necessary steps to avoid such a kind of delay. The personal appearance of the respondents 1 and 2 is dispensed with.

6. Since patta sought for by the petitioners has been issued as stated above, nothing survives for adjudication in this writ petition. Hence, this Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Collector,
Chennai District,
Chennai.

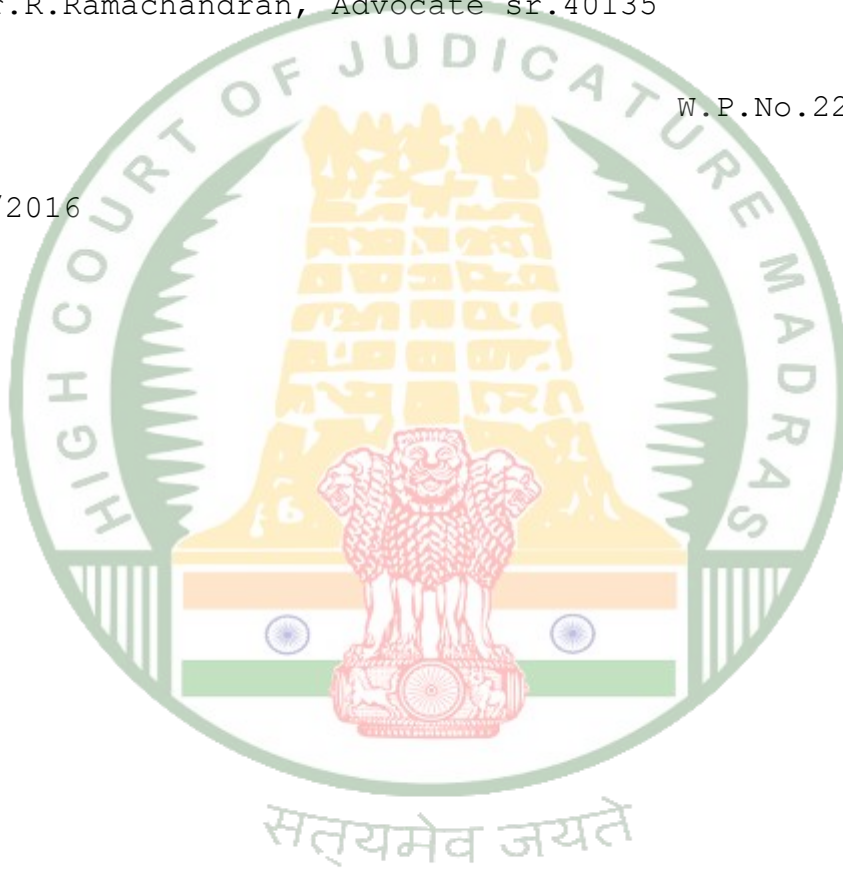
2.The Tahsildar,
Triplicane, Chennai.

+lcc to the Government Pleader Sr.40416

+lcc to Mr.R.Ramachandran, Advocate sr.40135

W.P.No.22678 of 2016

kji[col]
srg 28/07/2016



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