

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24005 of 2016

Mr.R.Krishnamurthy

... Petitioner

Vs.

The Tahsildar,
Tiruvallur Taluk,
Tiruvallur.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider the petition dated 25.11.2013 and grant Patta to the petitioner in respect of petitioner plot No.47 in Survey No.120/12 C measuring 1815 sq.ft. in Nandavanam, Polivakkam Village, Tiruvallur Taluk by fixing a time limit.

For Petitioner : M/s.Kruthika Prakash

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2.This is one of the numerous cases in which, no action has been

taken to dispose of the application submitted for issuance of patta for nearly three years and therefore, when the matter was listed on 13.07.2016 for admission, this Court was left with no other option except, to summon the respondent namely, The Tahsildar, Tiruvallur Taluk, Tiruvallur to be present before this Court with the relevant records.

3.The affidavit filed in support of this writ petition would disclose among other things that the petitioner had purchased plot no.47 in Survey No.120/12C admeasuring to an extent of 1815 sq.ft. in Nandavanam, Polivakkam Village, Tiruvallur Taluk, through a registered sale deed bearing document no.2182 of 1999 dated 15.07.1999. The petitioner vide application, dated 25.11.2013 had applied to the respondent for issuance of patta and though it was received on 26.11.2013, the respondent did not care either to process the application or to return the application for certain compliance. The petitioner in this regard, has also submitted reminder dated 25.05.2016, to the respondent enclosing copy of the earlier application dated 25.11.2013 and though, it was received and acknowledged on 26.05.2016, the respondent did not care to initiate any action and therefore, he is constrained to approach this Court by way of filing this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to Section 10 of the Tamil Nadu Patta Passbooks Act, 1983 and would submit that the respondent is under statutory obligation to pass orders on the application for issuance of patta, but he has abdicated his statutory responsibility and prays for appropriate orders.

5.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent on instructions from the respondent, who is presently before this Court with the relevant records, would submit that certain clarification is required and as and when the petitioner approaches the respondent, needy and expeditious steps will be taken, in respect of the application submitted by the petitioner for issuance of patta and prayed for the disposal of the writ petition accordingly.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.This Court is aware of the fact that a jurisdictional Tahsildar is entrusted with very many responsibilities, but that cannot be cited as

an excuse to keep the application for nearly three years without passing any orders on the application for issuance of patta and that the respondent is also having a statutory duty to dispose of the application within a time frame.

8.Be that as it may, in the light of the facts and circumstances, the respondent is directed to consider and dispose of the application dated 25.11.2013, submitted by the petitioner for issuance of patta as well as the reminder dated 25.05.2016, in accordance with law and pass orders, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly. No costs.

15.07.2016

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Index: Yes/ No
Internet: Yes/ No

To

The Tahsildar,
Tiruvallur Taluk,
Tiruvallur.

M.SATHYANARAYANAN,J.
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