

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24696 of 2016
and
W.M.P.No.21076 of 2016

N.Elumalai

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Arakkonam,
Vellore District.

3.The Tahsildar,
Arakkonam Taluk,
Vellore District.

4.G.Chinnappa Pillai

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the third respondent to issue the patta in favour of the petitioner for the property at S.No.384/1, Mahendravalli Village, Arakkonam Taluk, Vellore District to an extent of 400 sa. ft. in the light of the proceedings of the second respondent in Na.Ka.A4/794/2015 dated 11.05.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.R.Vijayakumar,
Additional Government Pleader
[R1 to R3].

O R D E R

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

2. The petitioner would state that on an earlier occasion, he has filed O.S.No.76 of 2011 on the file of the Court of District Munsif, Arakkonam against the fourth respondent and three others praying for declaration to declare his title in respect of the B Schedule property and for

permanent injunction restraining them from interfering with the peaceful possession and enjoyment of the suit schedule property and the said suit was decreed on 07.03.2012 and thereafter, initiated contempt proceedings under Order XIX Rule 2A of C.P.C for the reason that the defendants violated the decree for permanent injunction. The petitioner would further state that the petitioner had filed W.P.No.30 of 2015 for disposal of his representation with regard to the grant of patta and it was ordered on 06.01.2015 and since it was not complied with, Contempt Petition No.925 of 2015 was filed, wherein, the Revenue Divisional under communication to the Additional Government Pleader, Chennai, dated 11.05.2015 has informed that necessary orders have been issued to the Tahsildar for issuance of house site patta in S.No.573/13 in favour of the petitioner. The petitioner would further state that suppressing the said fact, the fourth respondent has filed a suit in O.S.No.68 of 2015 against the petitioner and three other official respondents praying for permanent injunction restraining them from issuance of patta and there is no interim order in operation. The grievance expressed by the petitioner is that despite the above said proceedings, the patta is yet to be issued in his favour by the third respondent and in this regard has also submitted a representation dated 18.01.2016 and hence, prays for appropriate orders.

3. Heard the submissions of Mr.R.Jayaprakash, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4. It is a specific case of the petitioner that in O.S.No.68 of 2015 filed by the 4th respondent, no interim order is in operation and to strike off the pleading, C.R.P.(PD) No.3572 of 2015 has been filed on the file of this Court and this Court, vide interim order dated 03.09.2015, has granted stay of the further proceedings in the above said petition. It is also pertinent to point out at this juncture that the second respondent vide proceedings dated 11.05.2015 in R.C.A4.794/2015, has also directed the third respondent to issue patta subject to the compliance of relevant rules and regulations.

5. In the light of the above facts and circumstances, this Court directs the third respondent to take note of the communication of the second respondent in R.C.A4.794/2015 dated 11.05.2015, after putting on notice the 4th respondent and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

vsm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Arakkonam,
Vellore District.

3.The Tahsildar,
Arakkonam Taluk,
Vellore District.

+ 1 cc to The Govt.Pleader, Sr 40415

+ 1 cc to Mr.R.Jayaprakash, Advocate Sr 40283

KR/28/7/16

Writ Petition No.24696 of 2016

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