

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2016

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28172 of 2016
and W.M.P.No.24307 of 2016

B.Venkatesh

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Sholinganallur Taluk,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to pass a considered order on the application given by the petitioner on 20.07.2015 and consequential relief by way of direction directing the respondent to issue a patta in favour of the petitioner namely B.Venkatesh, pertaining to the petition property situated at Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District, Chidambara Nagar Co-operative House Site, land comprised in Survey No.2/1B-3-B, Plot No.81, measuring an extent of 3010 sq. ft. (1 Ground and 610 sq.ft).

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.R.A.S.Senthilvel
Additional Government Pleader.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims that his father viz., D.K.Balasubramanian has purchased a property in R.S.Nos.2/1-B/3-B, 3/2, 4/2 and 12/12 admeasuring to an extent of 28.5 acres in Cholinganallur Village, Saidapet Taluk, Chennai District, vide sale deed dated 24.01.1975, bearing document No.183/1975 and subsequently, plotted out by pertaining to layout in L.P.H.No.41/1973. The petitioner's father had also purchased a house site admeasuring to an extent of 3010 sq. ft., Plot No.81,

comprised in S.No.2/1B3B and also issued a Chitta No.1545. The petitioner would further state that his father died intestate on 03.11.2014 leaving behind his wife and the petitioner as the legal heirs and according to him, after his demise, he is in possession and enjoyment of the same along with his mother. The petitioner, after demise of his father, had applied for patta in respect of the above cited plot vide application dated 20.07.2015 and though it was received and acknowledged by the Village Administrative Officer, Cholinganallur on that day itself, no orders have been passed and hence, came forward to file this writ petition.

3. Heard the submissions of Mr.T.Ramachandran, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4. It is to be noted at this juncture that the application for issuance of patta was submitted as early as on 20.07.2015 and so far no action has been taken either to grant patta or to return the same citing some deficiencies of the same.

5. The Secretary to Government, Revenue Department in Letter No.18294/SS.I(1)/2015-2, dated 26.05.2015, had issued certain instructions as to the complaints received in respect of issuance of name transfer in patta and therefore, all the District Collectors were issued with necessary instructions to the concerned officials in Taluk/Division level to strictly adhere to the guidelines issued in the G.O.(Ms)No.210, Revenue [(SS1(1)] Department, dated 08.07.2011 and failing to comply the above orders, it has been indicated that disciplinary action has also been taken against the erring officers. Therefore, the District Collector, Kancheepuram shall also look into the said issue and find out as to whether, any delay on the part of the respondent in considering the application of the petitioner and the said delay is unreasonable and not explained, shall take appropriate action in the light of the above said circular/letter of the Secretary to the Government, Revenue Department, Chennai.

6. Insofar as this writ petition is concerned, this Court without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondent to consider and dispose of the petitioner's application for issuance of patta dated 20.07.2015 in accordance with law, after putting on notice the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the to persons concerned.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Tahsildar,
Taluk Office,
Sholinganallur Taluk,
Kancheepuram District.

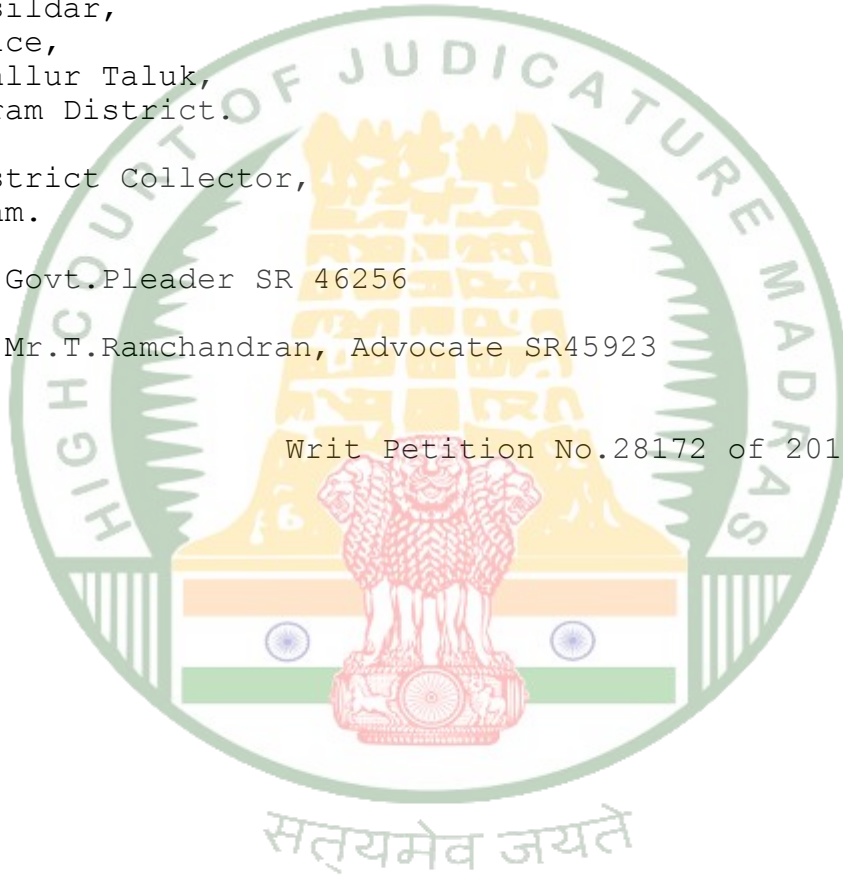
2. The District Collector,
Kancheepuram.

+ 1 cc to Govt.Pleader SR 46256

+ 1 cc to Mr.T.Ramchandran, Advocate SR45923

pa(co)
prk2/9

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