

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30213/2016

N.R.Santhamoorthy

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Petitioner

Vs.

1.The District Collector
O/o.The District Collector
Vellore District, Vellore.

2.The Tahsildar
O/o.Tahsildar, Nattrampalli Taluk
Vellore District.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 2nd respondent to issue patta for the land comprised in New.SF.No.587 [Old SF No.65], H.S.Duraisamy Street, Nattrampalli Village, Tirupathur Taluk, Vellore District in favour of the petitioner by considering his representation dated 15.06.2016.

For Petitioner : Mr.D.Balachandran
For R1&R2 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

2 The petitioner claims to be the absolute owner of the lands comprised in Old SF.No.65, New SF No.587, H.S.Duraisamy Street, Nattrampalli Village, Tiruppathur Taluk, Vellore District and claims to be in possession and enjoyment of the same and by submitting an application dated 16.03.2015, he prayed for issuance of patta followed by the reminders dated 08.01.2016 ; 11.01.2016 and 15.06.2016 and despite the receipt and acknowledgment of the same, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the application is kept pending for nearly more than one year and hence, prays for appropriate orders.

4 This Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

5 The Secretary to Government, Revenue Department, Fort St George, Secretariat, Chennai-600009, vide Letter No. 18294/SS.1[1]/2015-2 dated 26.05.2015, has dealt with the matter relating to the issuance of patta and name transfer, by taking into consideration G.O [Ms] No.210, Revenue [SS1[1]] Department dated 08.07.2011 as well as the order of this Court dated 08.04.2015 made in WP.No.10142/2015 and it is relevant to extract the following paragraphs of the said letter dated 26.05.2015:-

".....

3.In this connection, I am to invite your attention to G.O [Ms] No.210, Revenue [SS1[1]] Department dated 08.07.2011, wherein exhaustive guidelines have been issued on petitions relating to name transfer of patta on the basis of the announcement made by the Hon'ble Chief Minister of Tamil Nadu. In spite of the above well laid guidelines, there seems to be complaints in disposing the applications for name transfer in the patta, as bitterly pointed out by the Hon'ble High Court, Madras.

4.Hence, in view of the caustic observations made by the Hon'ble High Court, relating to issue name transfer in the patta and in order to avoid such a situation in future, I am to request you to issue strict instructions to all the officers concerned, at Taluk/Division level under the control of the District Administration, to scrupulously follow and strictly adhere to the guidelines issued in G.O [Ms] No.210, Revenue [SS1[1]] Department, dated 08.07.2011, while disposing the applications for name transfer in the patta. Failing to comply the above orders, I am also directed to request you to take necessary disciplinary action against the erring officers, by the appropriate authority in this regard."

6 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation / application dated 16.03.2015 as well as the reminders dated 08.01.2016 ; 11.01.2016 and 15.06.2016 in accordance with law, after putting on notice, the person/s 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 to the person/s concerned.

7 The 1st respondent shall also look into the issue and if there is any avoidable/deliberate delay on the part of the 2nd respondent in disposing of the application submitted by the petitioner for issuance of patta, he has to follow the above said instructions / guidelines given in the above cited proceedings and take appropriate action against the 2nd respondent in accordance with law.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The District Collector
O/o.The District Collector
Vellore District, Vellore.

2.The Tahsildar
O/o.Tahsildar, Nattrampalli Taluk
Vellore District.

+1 cc to Mr.D.Balachandran Advocate sr 49336

WP.No.30213/2016

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