

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition Nos.34596 to 34598 of 2016

1. R.Jagadeesan ... Petitioner in W.P.No.34596 of 2016
2. M.Jayaraman ... Petitioner in W.P.No.34597 of 2016
3. K.Paramanathan ... Petitioner in W.P.No.34598 of 2016

Versus

1. The District Collector, Chennai District, Chennai
2. The Tahsildar, Mylapore / Triplicane Taluk Office,
Chennai - 600 028
3. The Assistant Director,
Land Survey Record Department,
Chennai - 600 001 ... Respondents in all W.Ps.

Prayer in W.P.No.34596 of 2016: Writ petition filed under Article 226 of Constitution of India, praying for the issuance of writ of mandamus, to direct the 1st and 2nd respondents to issue a patta in favour of the petitioner pertaining to No.4/10, Pilliyar Koil 2nd Street, Kalikundram, Chennai 600 113, comprised in town survey No.4/1, Old Survey No.80/ part, Kalikundram Village, Mylapore-Triplicane Taluk, measuring an extent of 1110 sq. ft. based on recommendation order issued by the 3rd respondent in proceedings No.Na.KaEl.No.2149/2009 dated 22.03.2010.

Prayer in W.P.No.34597 of 2016: Writ petition filed under Article 226 of Constitution of India, praying for the issuance of writ of mandamus, to direct the 1st and 2nd respondents to issue a patta in favour of the petitioner pertaining to No.7/10, Pilliyar Koil 1st Street, Kalikundram, Chennai 600 113, comprised in town survey No.4/1, Old Survey No.80/ part, Kalikundram Village, Mylapore-Triplicane Taluk, measuring an extent of 448 sq. ft. based on recommendation order issued by the 3rd respondent in proceedings No.Na.KaEl.No.2149/2009 dated 22.03.2010.

Prayer in W.P.No.34598 of 2016: Writ petition filed under Article 226 of Constitution of India, praying for the issuance of writ of mandamus, to direct the 1st and 2nd respondents to issue a patta in favour of the petitioner pertaining to No.3/1, Pilliyar Koil 1st Street, Kalikundram, Chennai 600 113, comprised in town survey No.4/1, Old Survey No.80/ part, Kalikundram Village, Mylapore-Triplicane Taluk, measuring an extent of 1800 sq. ft. based on recommendation order issued by the 3rd respondent in proceedings

No.Na.KaE1.No.2149/2009 dated 22.03.2010.

For Petitioner in all W.Ps. : Mr. T.Ramachandran
For Respondents in all W.Ps. : Mr. R.S.Selvam,
Government Advocate

C O M M O N O R D E R

Mr. R.S.Selvam, learned Government Advocate, accepts notice for the respondents, in all the writ petitions. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal.

2. Heard the learned counsel appearing for both sides, in all the writ petitions.

3. According to the petitioners, the petitioners are in occupation and possession of the properties, comprised in Town Survey No.4/1, Old Survey No.80, part of Kalikundram Village, Mylapore-Triplicane Taluk, bearing Door Nos.4/10 of Pilliyar Koil 2nd Street, 7/10 and 3/1 of Pilliyar Koil 1st Street, Kalikundram, Chennai 600 113, measuring extents of 1110 sq. ft., 448 sq. ft. and 1800 sq. ft. respectively, for more than twenty years. The petitioners have also obtained Electricity Service Connections and paying property taxes for the said properties.

4. The petitioners, along with other 52 families, have formed an Association and on behalf of the Association, an application was submitted before respondents 1 and 2 to conduct an enquiry and to issue pattas in their favour. Based on the said representation, the third respondent has directed the second respondent to consider the plea of the petitioners and other family members, numbering 52, and sent a report to the first respondent to issue pattas under the caption of "The Hon'ble Chief Minister Free Residential Patta" to the occupants of the premises in question. According to the petitioners, inspite of the same, their claim for issuing patta has not been considered by the respondents till date and therefore, they have come up with this writ petition.

5. This court has carefully considered the submissions made by the learned counsel for both sides and perused the materials available on record.

6. In the light of the above, there will be a direction to the respondents 1 and 2 to consider to issuing pattas in favour of the petitioners pertaining to Nos.4/10 of Pilliyar Koil 2nd Street, 7/10 and 3/1 of Pilliyar Koil 1st Street, Kalikundram, Chennai 600 113, measuring extents of 1110 sq. ft., 448 sq. ft. and 1800 sq. ft. respectively, based on the recommendation made by the third respondent in proceedings No.Na.Ka.E1, No.2149/2009, dated 22.03.2010 and the Gazette Notification, dated 30.12.2006, under "The Hon'ble Chief Minister Free Residential Patta" scheme, if they are otherwise found

eligible. It is made clear that this order is passed only in so far as the petitioners, in these writ petitions alone, are concerned. It is needless to state that respondents 1 and 2 shall act in an unbiased manner, without in any manner being influenced by anything said in these writ petitions.

7. In the result, these writ petitions are disposed of.
No costs.

Sd/-
Assistant Registrar

/ True Copy /

Sub-Assistant Registrar

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To

1. The District Collector, Chennai District, Chennai
2. The Tahsildar, Mylapore / Triplicane Taluk Office,
Chennai - 600 028
3. The Assistant Director,
Land Survey Record Department,
Chennai - 600 001

+3 cc MR.T.RAMACHANDRAN, Advocate SR.NO.56274, 56275, 56276

+3 cc Government Pleader SR.NO. 56574, 56573, 56575

W.P.No.34596 to 34598 of 2016

CTK(CO)
RRI 15/11/16

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