

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.40217 of 2016

1.K.Devadhasan

2.Francisal

.. Petitioners

-vs-

1.The Collector of Chennai,
Land and Revenue,
Singaravelar Maaligai,
North Beach Road, Chennai-600 001.

2.The District Revenue Officer,
Land and Revenue,
Singaravelar Maaligai,
North Beach Road, Chennai-600 001.

3.The Tahsildar,
Velachery Taluk,
Velachery, Chennai-600 113. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents especially the second respondent to pass an appropriate order on the petitioner's appeal dated 18.08.2015 for issuance of patta in favour of the second petitioner in accordance with law.

For Petitioners :: Mr.S.Prem Raj Kumar

For Respondents :: Mr.A.Kumar,
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the second respondent to pass orders on the petitioner's appeal dated 18.08.2015 in respect of issuance of patta to the second respondent.

2.The case of the petitioners is that the property in the western part of Plot No.1-A, Bhuvaneswari Nagar, 1st Cross Street, Velachery, Chennai-42, to an extent of 2090 sq.ft.in S.No.332/10, Velachery Village, Mambalam-Guindy Taluk, Chennai District, originally belonged to the first petitioner and later by way of absolute settlement, duly registered vide document No.4724 of 2005 dated 31.10.2005 on the file of the SRO, Velachery, the first petitioner settled the property with the second petitioner and thereafter both the petitioners are in possession of the same. While so, some third parties, under false declarations, attempted to encroach the petitioners' property, for which a suit has been filed by the petitioners in O.S.No.7817 of 2005 before the XIV Assistant City Civil Court, Chennai in which permanent injunction was granted to the petitioners confirming their absolute ownership. Thereafter, again some third parties interfered with the property of the petitioners, and another suit was filed and thereafter, the petitioners approached the authorities to survey the property. Since it was told to the petitioners by the authorities that there is a mistake in the sub-divisions as per their records, in the settlement deed executed, the petitioners corrected the settlement deed by way of making a fresh settlement deed, cancelling the earlier one. Even then, the authorities are not carrying out bona fide inspection to grant patta to the second petitioner, and the third respondent in turn, rejected the request of the petitioner, stating that the dispute is pending before the Court, against which the petitioners filed an appeal before the first and second respondents on 18.08.2015 and the same is pending. Hence this writ petition.

3.The learned counsel for the petitioners submitted that the petitioners would be satisfied if the appeal pending before the appellate forum is directed to be disposed of within a stipulated time.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Considering the facts and circumstances of the case, the second respondent is directed to dispose of the petitioner's appeal dated 18.08.2015 which was made for issuance of patta to the second respondent, in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Collector of Chennai,
Land and Revenue,
Singaravelar Maaligai,
North Beach Road, Chennai-600 001.

2.The District Revenue Officer,
Land and Revenue,
Singaravelar Maaligai,
North Beach Road, Chennai-600 001.

3.The Tahsildar,
Velachery Taluk,
Velachery, Chennai-600 113.

+1cc to M/S.S.Prem Rajkumar, Advocate Sr.66033
+1cc to the Government Pleader sr.66671

सत्यमेव जयते

W.P.No.40217 of 2016

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srg 16/12/2016

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