

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4996 of 2016

S.Mogan
M.Babu

... Petitioners

Vs.

1.The Tahsildar
Ponneri Taluk,
Ponneri,
Tiruvallur District - 601 203.

2.The Special Officer
Tamil Nadu Bhoomi Thana
Board-cum-Director
of Land reforms,
Ezhilagam, Chennai-5.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the first respondent to issue patta in favour of the petitioners in respect of the land comprised in S.No.458/1A - 0.84 cents situated at Seemapuram Village, Ponneri Taluk, Tiruvallure District based on the application dated 02.01.2014.

For Petitioners : Mr.S.P.Sudalaiyandi.
For respondents : Mr.V.Jayaprakash Narayanan,
Spl.GP.

सत्यमेव जयते
O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the first respondent to issue patta in favour of the petitioners in respect of the land comprised in S.No.458/1A - 0.84 cents situated at Seemapuram Village, Ponneri Taluk, Tiruvallure District based on the application dated 02.01.2014.

3.The petitioner submits that the land in S.No.458 situated at Seemapuram village, Ponneri Taluk, Tiruvallore District belongs to one Krishnamachari Naidu. The said Krishnamachari Naidu had sold some portion of the land to one Annamalai Chettiyar and thereafter survey number was sub divided as S.No.458/4B in the name of Annamalai Chettiyar as per patta No.266. Thereafter, some portion of land was sold by Krishnamachari Naidu to Subramani Reddiar vide sale deed dated 17.07.1959 in Document No.2345/1958, the said land was sub divided as S.No.458/1. Thereafter the said Subramania Reddiar executed a sale deed in favour of one Elumalai Chettiar. The said portion of the land was partitioned among the family members of the said Elumalai Chettiar. Then, the second petitioner has purchased some portion of land in S.No.458/1 from the legal heirs of Elumalai Chettiar vide document No.7101/2012 dated 31.05.2012 on the file of SRO, Red Hills and the second petitioner applied for transfer of patta in his name.

4.Similarly, the land in S.No.458/1A which originally belonged to Krishnamachari Naidu was sold to one Sayammal @ Logammal. Subsequently, the said Sayammal @ Logammal sold the land to one Sarojini Ammal vide registered sale deed dated 23.06.1975 in document No.4663/1975. The said Sarojini Ammal sold the said property to one Naina Mohammed on 21.06.1989 vide document No.2987/1989. Thereafter, the petitioners herein jointly purchased the said land from Naina Mohammed vide sale deed dated 20.12.2012 in document No.14832/2012 on the file of SRO, Redhills. Thus the petitioners herein are jointly enjoying the entire property in S.Nos.458/1 and 458/1A situated at Seemapuram Village, Ponneri Taluk, Tiruvallore District.

5.On 02.01.2014, the petitioners made application before the first respondent for issuance of patta in their names and mutate the same in the revenue records. However, the first respondent duly conducted enquiry and during the course of enquiry, the petitioners were personally present before the first respondent and produced all the relevant documents. This enquiry was conducted in the year 2014 itself. Thereafter, the petitioners frequently visited the first respondent and enquired about the stage of the pending proceedings. But, the first respondent orally informed that originally said land belonged to second respondent viz., Bhoomi Thana Board. Then, the petitioner came to know that the second respondent has not issued no objection to the first respondent for issuing patta to the petitioners. The petitioner states that the second respondent is no way connected with the property and the predecessors of the petitioners alone having title and patta over the said property for more than ten decades. Hence, the petitioners filed the present writ petition before this Court.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances and without going into the merits of the same, this Court directs the first respondent to consider the representation of the petitioner dated 02.01.2014, on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioners as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar
Ponneri Taluk,
Ponneri,
Tiruvallur District - 601 203.

2.The Special Officer
Tamil Nadu Bhoomi Thana Board-cum-Director
of Land reforms,
Ezhilagam, Chennai-5.

+ 1 cc to Mr.S. P.Sudalaiyandi, Advocate SR.15737

+ 1 cc to Government Pleader Sr.15712

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CTK(CO)
EU 24.03.16