

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5086 of 2016

and

WMP.No.4426 of 2016

A.Pavadaisamy

... Petitioner

Vs.

1. The Tahsildar,
Cuddalore Taluk,
Cuddalore.

2. Navaneetha Ammal

3. Nagarathinam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.F(2)-8843/2015 dated 02.12.2015 and quash the same and consequently directing the first respondent to issue patta to the petitioner insofar as relates to T.S.No.245/1 in Door No.145, Kuthoos Gurusamy Salai, Cuddalore Mudhunagar, Cuddalore.

For Petitioner : A.Pavadaisamy, Party in person
For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

This Writ Petition has been filed by the petitioner, challenging the order dated 02.12.2015 passed by the first respondent and consequently directing the first respondent to issue patta in respect of the property in T.S.No.245/1, bearing Door No.145, Kuthoos Gurusamy Salai, Cuddalore Mudhunagar, Cuddalore.

2. According to the petitioner, he purchased the property in T.S.No.245/1 situated at Cuddalore O.T. on 12.11.2003 from one Anandan, who did not have any title over the said property, on the date of purchase of the property by the

petitioner. Due to which, the petitioner is unable to register the same. After purchase, the petitioner has also constructed a house and has been paying property tax to the Cuddalore Municipality till 09.07.2014. However, at the instigation of respondents 2 and 3, the Cuddalore Municipality refused to receive the property tax from him. Thereafter, on enquiry, he came to understand that the names of respondents 2 and 3 were found place in the patta in respect of his house site. Immediately, he has made a representation to the District Collector as well as to the first respondent herein. As there was no response, the petitioner has filed a writ petition in WP.No.32055 of 2014, directing the Tahsildar and the District Collector of Cuddalore to include his name in the revenue records pertaining to his property in question. By order dated 05.10.2015, the said writ petition was disposed of, by directing the Tahsildar, Cuddalore to conduct enquiry, calling upon the petitioner and other respondents therein and pass orders on merits. Pursuant to the same, the first respondent has called upon the petitioner and respondents 2 and 3 to appear before him and to produce the entire records in respect of the property in question. Accordingly, the petitioner has appeared and produced all the records. However, respondents 2 and 3 have not appeared before the first respondent, which compelled the official to issue another notice to them for enquiry on 30.11.2015, to which also, there was no representation on behalf of them. Thereafter, the first respondent passed the order dated 02.12.2015, rejecting the petitioner's representation on the ground that the property in T.S.No.245/1 was referred to in the Town Survey Register as poromboke beach road railway lines cement sheet godown and no patta was granted to any one in respect of the same. Aggrieved over the same, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the petitioner who appeared in person and the learned Additional Government Pleader, who took notice for the first respondent.

4. The petitioner has filed this writ petition challenging the order dated 02.12.2015 passed by the first respondent and also directing the first respondent to issue patta in respect of his property. However, considering the facts and circumstances of the case, in order to give one more opportunity to the petitioner, this Court permits the petitioner to make a fresh representation, narrating all the facts and enclosing the relevant documents in support of his claim, to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent is directed to consider the same by affording an opportunity of personal hearing to the petitioner as well as to respondents 2 and 3 and other necessary parties, if any and pass appropriate orders, with regard to

grant of patta in respect of the petitioner's property in T.S.No.245/1 bearing Door No.145, Kuthoos Gurusamy Salai, Cuddalore Mudhunagar, Cuddalore, within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

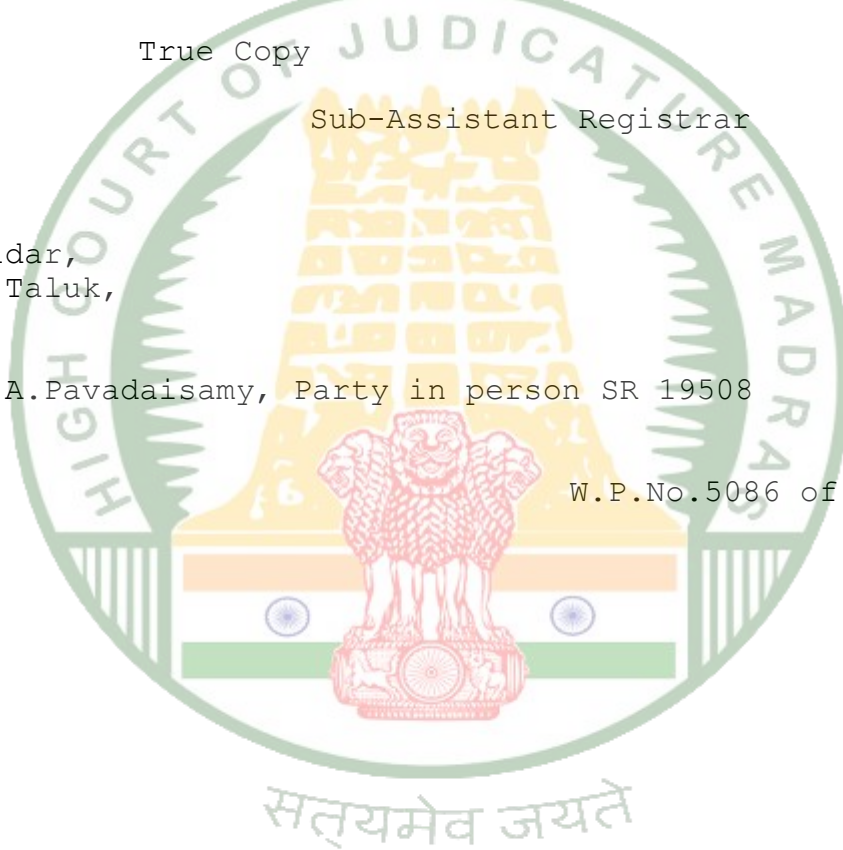
To

The Tahsildar,
Cuddalore Taluk,
Cuddalore.

+ 2 cc to A.Pavadaisamy, Party in person SR 19508

(co)
prk4/4

W.P.No.5086 of 2016



WEB COPY