

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5560 of 2016

1.G.Sekar
2.S.Gnanambal

... Petitioners

vs.

1.The District Collector,
Collectorate of Chennai District,
Singaravelar Maligai,
Rajaji Salai, Chennai.

2.The Tahsildar,
Mambalam Taluk Office,
K.K.Nagar, Chennai-78.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation dated 21.9.2015 given by the petitioners for issuing patta in respect of the schedule mentioned property bearing Door No.30/57, Plot No.222 (Old No.192-A), Bharathidhasan East Street, Kavary Nagar, (Appavu Nagar), Saidapet, Chennai-15, comprised in T.S.No.1 measuring to an extent of 0.78.0 sq.mts of land area in favour of the petitioners within the stipulated time.

For Petitioners : Mr.A.Thamizharasan

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader.

ORDER

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

2. The petitioners have come up with the present writ petition for the issuance of writ of mandamus, directing the respondents to consider their representation dated 21.9.2015 for issuing patta in respect of the schedule mentioned property

bearing Door No.30/57, Plot No.222 (Old No.192-A), Bharathidhasan East Street, Kavery Nagar, (Appavu Nagar), Saidapet, Chennai-15, comprised in T.S.No.1 measuring to an extent of 0.78.0 sq.mts of land area in their favour within the stipulated time.

3. It is the case of the petitioners that originally the petition mentioned property bearing Door No.30/57, Plot No.222 (Old No.192-A), Bharathidhasan East Street, Kavery Nagar, (Appavu Nagar), Saidapet, Chennai-15, comprised in T.S.No.1 measuring to an extent of 0.78.0 sq.mts of land area, was allotted to the first petitioner's father viz., S.Govindasamy by the Tamil Nadu Slum Clearance Board. After the demise of the first petitioner's father, as per the direction of this Court dated 22.3.2010 made in W.P.No.27520 of 2006, the said allotment was transferred in favour of the petitioners. Since there was undue delay in issuing the sale deed, the first petitioner filed another writ petition in W.P.No.7109 of 2012 to get the sale deed executed. When the said writ petition came up before this Court on 11.12.2012, learned counsel appearing for the Tamil Nadu Slum Clearance Board submitted that the request of the first petitioner would be considered and sale deed would be issued. Thereafter, the Tamil Nadu Slum Clearance Board issued the registered sale deed No.420 dated 18.2.2014 in favour of the petitioners. The petitioners are regularly paying property tax, Chennai Metro Water Supply and Sewerage tax. Thereafter, they made an application dated 21.9.2015 along with necessary documents to the second respondent for issuing patta in their name. But, the second respondent has not considered their application. Hence, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the application of the petitioner dated 21.9.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. It is made clear

that this Court is not expressing any opinion with regard to the claim made by the petitioners and it is for the second respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate of Chennai District,
Singaravelar Maligai,
Rajaji Salai, Chennai.

2.The Tahsildar,
Mambalam Taluk Office,
K.K.Nagar, Chennai-78.

+2cc to M/S.A.Tamizharasan, Advocate, S.R.No.9602
+1cc to the Government Pleader, S.R.No.9966

W.P.No.5560 of 2016

ak(CO)
srg(04/03/2016)

सत्यमेव जयते

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