

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7645 of 2016

R.Chockalingam

... Petitioner

vs.

1.The District Collector,
Office of the District Collectorate,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kanchipuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the second respondent to issue patta on the petitioner's application dated 20.10.2015 and issue patta in respect of Plot No.167, Kumarankudi Extension, Okkiyam, Thoraipakkam, comprised in Survey No.148/2 (part), measuring about 2400 sq.ft., in Village No.148, Okkiyam, Thoraipakkam Village, Saidapet Taluk, Kanchipuram District considering the order passed by this Court in the batch of writ petitions in W.P.Nos.41043, 41044, 41848 and 41849 of 2002 dated 21.11.2008.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.S.Navaneethan, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider his application dated 20.10.2015 and issue patta in respect of Plot No.167, Kumarankudi Extension, Okkiyam, Thoraipakkam, comprised in Survey No.148/2 (part), measuring about 2400 sq.ft., in Village No.148, Okkiyam, Thoraipakkam Village, Saidapet Taluk, Kanchipuram District, in the light of the order passed by this Court in the batch of writ petitions in

W.P.Nos.41043, 41044, 41848 and 41849 of 2002 dated 21.11.2008.

2. It is the case of the petitioner that he purchased the property bearing Plot No.167, Kumarankudi Extension, Okkiyam, Thoraipakkam comprised in S.No.148/2 (Part) measuring about 2400sq.ft. in Village No.148, Okkiyam Thoraipakkam Village, Saidapet Taluk, Kanchipuram District from one M.M.Bakthavatchalam by a registered sale deed dated 12.07.1984 bearing Doc.No.2045 of 1984 on the file of SRO, Adyar. Since then, he has been in possession and enjoyment of the same by putting up fence over the said plot. He has also put up a small structure in the said plot. Thereafter, he came to know about the proceedings initiated under the Tamil Nadu Urban Land Ceilings Act against the original vendor Nagammal. Hence, the petitioner along with other aggrieved persons, filed a batch of writ petitions in WP.41043/2002 etc. challenging the said Urban Land Ceiling proceedings. By an order of this Court dated 21.11.2008, the said batch of writ petitions were allowed by holding that the petitioners were entitled to keep the possession of the land purchased by them. Aggrieved over the same, the Government preferred appeals in WA.SR.Nos.92290, 92295, 92300 and 92305 of 2013 along with the condone delay applications and the same were dismissed. In view of the same, the petitioner became the absolute owner of the said property and he has been paying all the taxes payable to the Government, after effecting mutation of records in his name. Thereafter, he made an application to issue patta in his favour for the above said plot. In spite of the same, no patta has been issued to him. Hence, he submitted a representation dated 20.10.2015 to the second respondent and the same is pending without any progress. Therefore, the petitioner has approached this court with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the representation of the petitioner dated 20.10.2015, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any and pass appropriate orders with regard to grant of patta in respect of the property in Plot No.167, Kumarankudi Extension, Okkiyam, Thoraipakkam comprised in S.No.148/2 (Part) measuring about 2400sq.ft. 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 second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be

completed within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Office of the District Collectorate,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kanchipuram District.

+1 cc to Government Pleader, sr.13768

+1 cc to Mr.R.Manickavel, Advocate, sr.13345

W.P.No.7645 of 2016

rv co
kra 30.03.2016

सत्यमेव जयते
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