

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.6571/2017

Ankit P.Doshi

..

Petitioner

Versus

1. The District Collector
Tiruvellore District,
Tiruvellore.

2. The Tahsildar
Ponneri Taluk,
Tiruvellore District.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent herein to forthwith issue a computer extract of Patta No.4276 in the name of the petitioner in respect of the property of an extent of 0,1 acres comprised in Survey No.83/10 and an extent of 0.09 acres in Survey No.84/5 of Pandinallur Village, Ponneri Taluk, Tiruvallur District, pursuant to the application dated 27.02.2015 made by the petitioner under Token No.1187.

For Petitioner : Mrs.Al.Gandhimathi

For Respondents : Mr.S.Pattabiraman, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.Pattabiraman, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner claims to be the absolute owner of the lands admeasuring to an extent of 0.11 acres comprised in Survey No.83/10 and another extent of land of 0.09 acres in Survey No.84/5 situate in Padinallur Village, Ponneri Taluk, Tiruvellore District, through a registered Sale Deed bearing Document No.4298/2013 dated 06.07.2012, registered on the file of the office of the Sub Registrar, Redhills and claims to be in possession and enjoyment of the property right from the date of purchase.

3 The petitioner submitted an application dated 27.02.2015 to the 2nd respondent praying for issuance of computerised chitta and patta and it was acknowledged under Token No.1187 dated 27.02.2015 and further indicated that the decision will be taken before 03.03.2015. The grievance expressed by the petitioner is that despite the lapse of nearly two years, no further steps, whatsoever, have been taken by the 2nd respondent to issue computerised chitta and patta in respect of the above said lands purchased by him and therefore, the petitioner came forward to file the present writ petition.

4 The learned counsel appearing for the petitioner would submit that since the petitioner had enclosed all necessary documents, there may not be any impediment on the part of the respondents to issue computerised chitta and patta and in the event of any defects in the application, the 2nd respondent ought to have returned the same, so as to enable the petitioner to represent the same after complying with the defects and even such an act or step has not been adopted by the respondents and hence, the petitioner is constrained to approach this Court by way of filing the present writ petition.

5 Per contra, Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents would submit that appropriate instructions will be given to the 2nd respondent to dispose of the application dated 27.02.2015 submitted by the petitioner for issuance of computerised chitta and patta in respect of the landed property purchased by the petitioner.

6 This Court paid its best attention to the rival submissions and also perused the materials placed before it.

7 This Court, on an earlier occasion, has taken note of the fact that repeatedly writ petitions are being filed before this Court seeking for issuance of patta/transfer of patta and passed orders on 09.04.2015 made in WP.No.10064/2015, expressing anguish and difficulty faced by it and taking note of the said order, the Secretary to Government, Government of Tamil Nadu, Revenue Department, Chennai-600009, has sent D.O.Letter No.19925/SS.I[1]/2015-2 dated 10.06.2015 to all the District Collectors with copies marked to Additional Chief Secretary/Commissioner of Land Administration, Chepauk, Chennai-5 as well as to the Director of Survey and Settlement, Chepauk, Chennai-5, drawing the attention to G.O.Ms.No.210, Revenue [SS.I [1]] Department dated 08.07.2012, has requested the District Collectors to issue strict instructions to all the subordinate officers concerned at Taluk/Divisional Level under the control of the District Administration, to scrupulously follow and strictly adhere to the guidelines issued in the above said Government Order dated 08.07.2012 while disposing of the

applications seeking for name transfer of patta and also further indicated that failing to comply with the said orders, would result in initiation of necessary disciplinary action against the erring officials.

8 It appears that despite such an instruction issued by the higher official, the District Collectors are not adhering to the same and once again, this Court is faced with a litigation in the form of present writ petition to issue computerised chitta and patta in respect of the application of the petitioner dated 27.02.2015.

9 This Court expresses its anguish and despair with regard inapt attitude shown by the Revenue Officials for considering the applications submitted by persons for issuance of patta, transfer of patta and issuance of legal heirship certificate and the result being, this Court is faced with very many number of writ petitions praying for appropriate direction, directing the concerned authority to furnish the said certificates within the stipulated time. In effect, this Court, is forced to discharge the duties of Tahsildar and other revenue officials and as a consequence, it is unable to spend time on matters which really require its attention.

10 This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 27.02.2015 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

11 The writ petition stands disposed of with the above direction. No costs.

सत्यमेव जयते

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Tiruvellore District,
Tiruvellore.

2. The Tahsildar
Ponneri Taluk,
Tiruvellore District.

Copy to:-

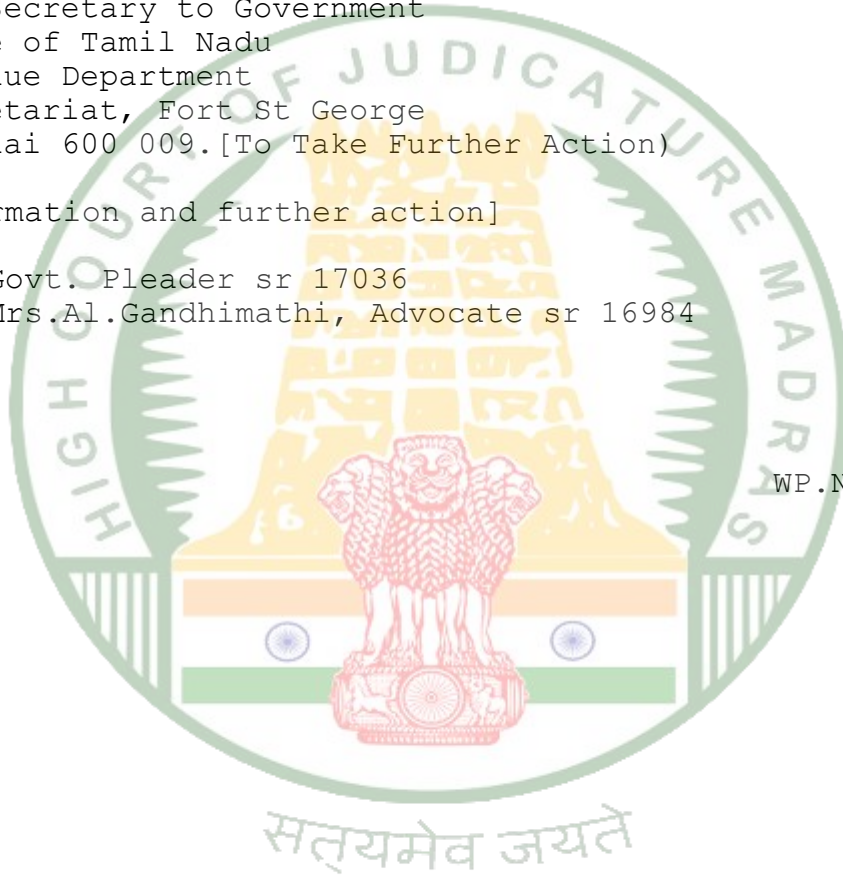
- 1 The Chief Secretary to Government
Government of Tamil Nadu
Secretariat, Fort St George
Chennai 600 009.[To Take Further Action)
- 2 The Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Fort St George
Chennai 600 009.[To Take Further Action)

[for information and further action]

+1 CC to Govt. Pleader sr 17036
+1 CC to Mrs.Al.Gandhimathi, Advocate sr 16984

LRS (CO)
sp/28/3

WP.No.6571/2017



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