

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.5595 of 2017

B.Balram Sharma

... Petitioner

Vs.

1.The Collector,
Thiruvallur District at
Thiruvallur.

2.The Tashildar,
Thiruvottiyur Taluk Office at
Thiruvottiyur, Thiruvallur District.

3.The Village Administrative Officer,
(Sadayankuppam Village) at
Thiruvotriyur, Chennai-19,
Thiruvallur District.

4.M/s.Bathera Steels Ltd.,
No.89, Venkatesa Maistry Street,
Chennai-600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to consider and dispose of the petition dated 02.03.2015 for grant of patta in respect of the property i.e. all that piece and parcel of vacant lands situated Sadayankuppam Village, Thiruvottiyur Taluk, comprised in Survey No.286/1B2 measuring an extent of 0.45 cents, on merits after due enquiry.

For petitioner : Mr.M.Mahendra Kumar

For respondents: Ms.K.Bhuvaneswari,
Government Advocate for R1 to R3

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents 1 to 3 herein to consider and dispose of the petition dated 02.03.2015 for grant of patta in respect of the property i.e. all that piece and parcel of vacant lands situated Sadayankuppam Village, Thiruvottiyur Taluk, comprised in Survey No.286/1B2 measuring an extent of 0.45 cents, on merits after due enquiry.

2. According to the petitioner, piece and parcel of agricultural land situated in No.3, Sadayankuppam Village, Madavaram Taluk, Thiruvallur District comprised in Nanja S.No.281/1A - 1.68 acres, 286/1A - 1.00 acre and 286/1B - 1.71 acres, were originally belonged to one Muthusamy Nadar. He died after executing registered Will dated 02.02.1982. Subsequently, one M.Veeramani, son of the said deceased, has filed O.P. No.86 of 1988 before the District Court at Chengalpattu for grant of permission to sell the share of minor children. As directed by the said Court, the said M.Veeramani and his four minor children have sold and transferred the said property. Subsequently, the above property in S.No.286/1B was surveyed and measured by the District Surveyor and it was sub divided as S.No.286/1B2 and patta No.450 was issued to the petitioner's mother.

3. While the facts being so, the petitioner applied for fresh patta on 19.11.2009 and again on 22.01.2010 for S.No.286/B2 to the extent of 0.45 cents out of total acre 01.71 cents in the name of the petitioner's mother. Subsequently, the petitioner was informed that patta land extract for the said Survey No.286/1B2, was already issued in the name of M/s.Bathera Steel Pvt. Ltd. Therefore, the petitioner made a representation to respondents 1 to 3 to cancel the wrongly issued patta and consequently issue fresh patta in the name of his mother. As respondents 1 to 3 have duly acknowledged the receipt of the said representation dated 16.03.2012, they have not come forward to consider the same. Hence, the petitioner preferred a Writ Petition in W.P. No.22894 of 2012 before this Court for writ of mandamus directing the respondents 1 to 3 herein to consider and dispose of the said representation for grant of patta in respect of his property. This Court, by order dated 28.10.2013, directed the second respondent to consider and dispose of the said application, on merits and as per law with notice to the fourth respondent.

4. Before disposing of the said application, due to the bifurcation of two taluks, the petitioner's application was transferred to Thiruvottiyur Taluk for fresh disposal. Accordingly, the petitioner submitted a fresh application dated 02.03.2015 to the respondents 1 to 3 herein to issue patta as directed by this Court. However, the first respondent directed the second respondent to inform the action taken on the petitioner's application vide his letter dated 11.03.2015. Thereafter, the second respondent issued Notice dated 31.07.2015 to the petitioner and the fourth respondent asking to appear before them on 10.08.2015 for enquiry and the petitioner appeared before the second respondent for enquiry and submitted all the documents relating to the petitioner's property. Despite direction made by the first respondent, the second respondent has not come forward to pass any order. Hence, the petitioner is before this Court.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for respondents 1 to 3.

6.It is seen that the petitioner earlier filed a Writ Petition in W.P. No.22894 of 2012 seeking direction to respondents 1 to 3 to consider and dispose of the petition dated 16.03.2012 for grant of patta. This Court, by order dated 28.10.2013 directed the Tahsildar/second respondent to consider and dispose of the application on merits as per law. According to the petitioner, subsequently the Tahsildar/second respondent herein himself by Proceedings dated 31.07.2015 called for enquiry on 10.08.2015. Though the petitioner appeared for enquiry and by proceedings dated 11.03.2015, the Collector/first respondent has directed the second respondent to send details regarding the action taken on the petitioner's petition, till date no order has been passed.

7.Therefore, the Tahsildar/second respondent is directed to comply with the said direction dated 11.03.2015 given by the first respondent and pass orders, on merits and in accordance with law, after giving notice to the fourth respondent, within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Collector,
Thiruvallur District at सत्यमेव जयते
Thiruvallur.

2.The Tashildar,
Thiruvottiyur Taluk Office at
Thiruvottiyur, Thiruvallur District.

+ 1 cc to Mr.Govenment Pleader Sr.14876

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NR(CO)
EU 12.4.17