

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5848 of 2017

K.Russelraj

... Petitioner

Vs.

1.The District Collector,
Chennai - 600 001.

2.The Sub Collector,
Thondiyar Pettai Sub-Division,
Chennai - 600 081.

3.The Tahsildar,
Ayanavaram, Chennai - 600 023. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents to issue patta in favour of the petitioner in the light of the order of the 2nd respondent dated 23.12.2016 in respect of with present extent of 910 sq. ft. bearing survey T.S.No.16/11 Block No.29, Somasundaram 5th Street, Ayanavaram, Chennai - 23.

For Petitioner : Mr.Elephant G.Rajendran
For Respondents: Mr.R.S.Selvam,
Government Advocate.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner had purchased a land admeasuring to an extent of 910 sq. ft. in Town Survey No.16/11, Block No.29, Ayanavaram Village, Chennai District, through a registered sale deed bearing document No.1127 of 2016 from one D.Ramesh and prayed for transfer of patta. The third respondent, vide communication dated 08.12.2016 in Na.Ka.No.A2/8059/2016, addressed to the second respondent has informed that the patta in respect of S.No.16/11, has been issued in favour of D.Ramesh as well as in favour of his brother D.Ravi and patta has been

issued in favour of D.Ravi erroneously and therefore, requested the second respondent to cancel the same.

3. Accordingly, the second respondent vide his proceedings dated 23.12.2016 in Che.Mu.No.A1/1552/2016 has cancelled the patta granted in favour of D.Ravi and further informed the respondents 1 and 3 that in the event of the petitioner as well as D.Ravi submits application for issuance of patta, legal inspection is to be made and also their possession in respect of the land is to be ensured and thereafter, further action seems to be taken in accordance with law. The petitioner has also submitted an application dated 27.12.2016 to the third respondent in person praying for issuance of patta and also enclosed the proceedings of the second respondent dated 23.12.2016 and inspite of receipt and acknowledgment, so far no orders have been passed and therefore, came forward to file this writ petition.

4. Heard the submission of Mr.Elephant G.Rajendran, learned counsel appearing for the petitioner and Mr.R.S.Selvam, learned Government Advocate, who accepts notice on behalf of the respondents.

5. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more application in a prescribed/proper format to the third respondent seeking for issuance of patta in respect of the property purchased by him, within a period of two weeks from the date of receipt of a copy of this order along with the copy of this order and the third respondent upon receipt of the same, after putting the concerned persons on notice, shall consider and dispose of the application on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the persons concerned.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm
To

1.The District Collector,
Chennai - 600 001.

2.The Sub Collector,
Thondiyar Pettai Sub-Division,
Chennai - 600 081.

3.The Tahsildar,
Ayanavaram, Chennai - 600 023.

+1cc to Mr.Elephant G. Rajendran, Advocate, S.R.No.15475
+1cc to the Government Pleader, S.R.No.15294

nmi (CO)
md(23/03/2017)

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