

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5995/2017

1.V.Kamalam
2.Miss T.Geetha
3.Miss T.Gowri

..Petitioners

Vs

1.The District Collector
Chennai 600 001.
2.The Tahsildar
Egmore, Nungambakkam Taluk
Chennai 600 034.
3.The Taluk Surveyor
Tahsildar Office,
Egmore, Nungambakkam,
Chennai 600 034.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent to Survey the land, demarcate the boundaries in SF.No.129/1, door No.31/A, Thiruveethi Amman Kovil Street, Koyambedu, Chennai 600017, to an extent of 2277 sqft with the boundaries in SF No.129/1, Door No.31/A, Thiruveethi Amman Koil Street, Koyambedu, Chennai 600017, to an extent of 2277 sqft with the boundaries as set out in the sale deed dated 03.05.2006 further direct the 2nd respondent to grant patta to the said land in accordance Patta Passbook with the Tamil Nadu Act 1983 and Rules framed thereunder.

For Petitioner : Ms.P.Bagyalakshmi

For Respondents: Mr.A.N.Thambidurai, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The 1st petitioner claims to be one of the legal heirs of her son [late] V.Thiruvassagam, and also the legal guardian for his minor daughters, the petitioners 2 and 3 herein and according to the 1st petitioner, her son [late]

V.Thiruvvasagam, had purchased a plot of land admeasuring to an extent of 2277 sq.ft., in S.No.129/1, Block No.46, TS.No.17, Door No.3/1A at Koyambedu Tiruveedhi Amman Kovil Street, Chennai 600 107, from one Tmt.Rani by way of registered Sale Deed bearing Doc.No.1816/2006 registered on the file of the Sub Registrar, Anna Nagar, dated 03.05.2006, and on his demise, prayed for issuance of patta vide application dated 19.02.2013 followed by a reminder dated 18.03.2013 to the 2nd respondent and since it has not been considered, the 1st petitioner has also approached the 1st respondent. The Additional Personal Assistant to the District Collector, Chennai, vide communication in Na.Ka.No.13/26682/2013 dated 03.10.2013, has informed the petitioner that the 2nd respondent is to be approached for redressal of her grievances.

3 The learned counsel for the petitioner would submit that the 1st petitioner, after measurement of her lands, had also dug up a well and also obtained electricity connection and when she went there to construct a compound wall, her neighbours, viz., Tvl.Chandran, Thulasi and Saminathan, acting in an illegal manner, are trying to usurp the property by way of trespass and in this regard, she has also lodged a complaint to the Commissioner of Police, Chennai City, on 12.02.2017 and action is yet to be taken and since the request made by the 1st petitioner for issuance of patta, is yet to be considered, the petitioners came forward to file the present writ petition.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that necessary steps will be taken to consider the request made by the petitioners for issuance of patta.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, in WP.No.10064/2015 has taken into consideration, the filing of very many writ petitions for issuance of patta/transfer of patta and also issued directions to the Secretary to Government, Revenue Department of the Government of Tamil Nadu, Chennai-9 and the said official, on receipt of the order, had issued Administrative instructions in D.O.Letter No.19925/SS.I[1]/2015-2 dated 10.06.2015, inviting the attention of all the District Collectors to G.O.Ms.No.210, Revenue [SS.I[1]] Department, dated 08.07.2012, and directing them 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 adhere to the guidelines issued in the above cited order while disposing of the applications seeking

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

7 It is unfortunate to note that despite such a positive direction issued by the Secretary to Government, Revenue Department of the Government of Tamil Nadu, day-in and day-out, this Court is facing with very many writ petitions praying for issuance of patta/transfer of patta. It appears that the jurisdictional District Collectors are also not following the above cited administrative instructions.

8 Insofar as this writ petition is concerned, though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of their claim, directs the 2nd respondent to act on the applications dated 19.02.2013 and 18.03.2013 respectively submitted by the petitioners for issuance of patta and after putting the concerned person/s on notice and if required, after conducting survey, shall pass orders on merits and in accordance with law on the above cited applications within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the person/s concerned.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Chennai 600 001.
- 2.The Tahsildar
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Chennai 600 034.
- 3.The Taluk Surveyor
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SV(CO)

EU 23.3.17