

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2017

CORAM

THE HON'BLE MR. JUSTICE **M.DURAI SWAMY**

W.P.No.14298 of 2017

R.Sundaram

[Petitioner]

Vs

1 The Tahsildar
Office of the Tahsildar
Aminjikarai Taluk
No.4 West Mada Street
Aminjikarai Chennai-88

2 The Tamil Nadu Housing Board
Rep. by its Chairman
No.331 Anna Salai
Nandanam Chennai-35.

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to issue Patta in the name of the petitioner in respect of the land to an extent of 1320 sq.ft. bearing Door No.23 Navalur Nagar Anna Nagar West Extension comprised in Old No.162/2 New Town Survey No.6 Block No.38 situated in the Sub Registration District of Ambattur and Registration District of North Madras within the time frame fixed by this Court.

For Petitioner : Mr.J.Kannan

For Respondents : Mr.S.V.Doraisolaimalai AGP (R1)
Mr.V.Anandhamoorthy (R2)

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus directing the 1st respondent to issue Patta in his name in respect of the land measuring an extent of 1320 sq.ft. bearing Door No.23, Navalar Nagar, Anna Nagar West Extension, comprised in Old No.162/2, New Town Survey No.6, Block No.38, situated in the Sub Registration District of Ambattur and Registration District of North Madras, within a time frame.

2. It is brought to the notice of this Court that the petitioner filed a suit in O.S.No.5810 of 2011 on the file of the 18th Assistant Judge, City Civil Court, Chennai, for declaration and permanent injunction, in respect of an extent of 1320 sq.ft. By a Judgment and decree dated 20.12.2012, the trial Court decreed the suit in respect of 1100 sq.ft. and dismissed the suit with regard to the remaining extent of 220 sq.ft. Now, the petitioner has given a representation seeking for issuance of patta on 01.08.2016 for the entire extent of 1320 sq.ft. Since the suit filed by the petitioner was dismissed in respect of 220 sq.ft., he cannot claim patta in respect of the said portion.

3. In these circumstances, Mr.S.V.Doraisolaimalai, learned

Additional Government Pleader, appearing for the 1st respondent submitted that the 1st respondent may be directed to issue patta in respect of an extent of 1100 sq.ft., as decreed by the trial Court.

4. The learned counsel appearing for the petitioner submitted that the ex-parte decree passed in O.S.No.5810 of 2011 dated 20.12.2012 has become final and that the defendants in the suit have not filed any application to set aside the ex-parte decree or filed an appeal as against the Judgment and decree.

5. Having regard to the submissions made by the learned counsel on either side, since the decree passed in O.S.No.5810 of 2011 is said to have become final, the 1st respondent is directed to issue patta to the petitioner to an extent of 1100 sq.ft., within a period of four weeks from the date of receipt of a copy of this order. In the event of the Judgment and decree passed in O.S.No.5810 of 2011 being set aside, the patta issued in favour of the petitioner shall automatically stand cancelled.

With these observations, the writ petition is disposed of. No costs.

13.07.2017

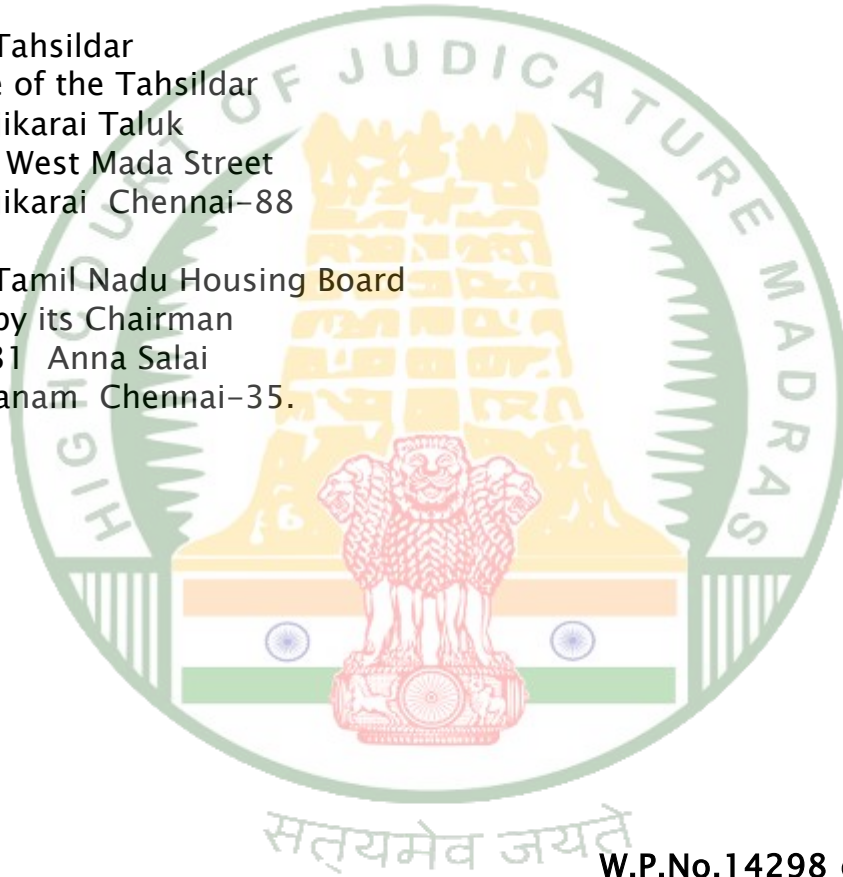
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M.DURAISWAMY, J.

rg

To

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