

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.19312 of 2017

V.Sambasivam

[ Petitioner ]

Vs

1. The District Collector,  
Office of the District Collectorate Campus,  
Cuddalore, Cuddalore District.
  2. The Tahsildar,  
Chidambaram Taluk,  
Cuddalore District.
- Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents herein to issue patta in favour of the petitioner herein in Survey No.313/2 in Bhuvanagiri Village, Chidambaram Taluk, Cuddalore District.

For Petitioner : Mr.K.B.Arul

For Respondents : Mr.R.Rajeswaran, SGP

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus to direct the respondents to issue patta in his favour in respect of Survey No.313/2 in Bhuvanagiri Village, Chidambaram Taluk, Cuddalore District.

3. It is the case of the petitioner that he had given a representation to the Chief Minister's Grievance Cell on 22.10.2013 for the issuance of Patta, which was forwarded to the 1<sup>st</sup> respondent, the District Collector,

who in turn, had called for a report from the 2<sup>nd</sup> respondent, the Tahsildar. The Tahsildar, by his report dated 28.02.2015, had recommended for the issuance of patta in respect of New Survey No.313/2 (Old Survey No.114/2A1), measuring an extent of 172.8 sq.mt. Since the 1<sup>st</sup> respondent is the authority to issue patta, in the case on hand, he has only recommended for the issuance of patta. If he had recommended for the issuance of Patta, he should have mentioned who has to issue patta to the petitioner.

4. Mr.R.Rajeswaran, learned Special Government Pleader for the respondents submitted that the petitioner may be directed to give a representation to the 2<sup>nd</sup> respondent and in turn, the 2<sup>nd</sup> respondent may be directed to consider the same, in the light of his report dated 28.02.2015 and also the decree passed in O.S.No.348 of 2015 on the file of the District Munsif Court, Chidambaram dated 29.08.2016 and pass orders in accordance with law.

5. In view of the submissions made by the learned counsel on either side, taking into consideration the case of the petitioner, the petitioner shall give a fresh application to the 2<sup>nd</sup> respondent within a period of one week from the date of receipt of a copy of this order to the 2<sup>nd</sup> respondent for issuance of patta in the light of the report of the 2<sup>nd</sup> respondent dated 28.02.2015 and also the decree passed in O.S.No.348 of 2015 and on submission of the application, the 2<sup>nd</sup> respondent is directed to consider the same and pass orders, in accordance with law, within a period of four weeks thereafter.

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

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The District Collector,  
Office of the District Collectorate Campus,  
Cuddalore, Cuddalore District.

2. The Tahsildar,  
Chidambaram Taluk,  
Cuddalore District.

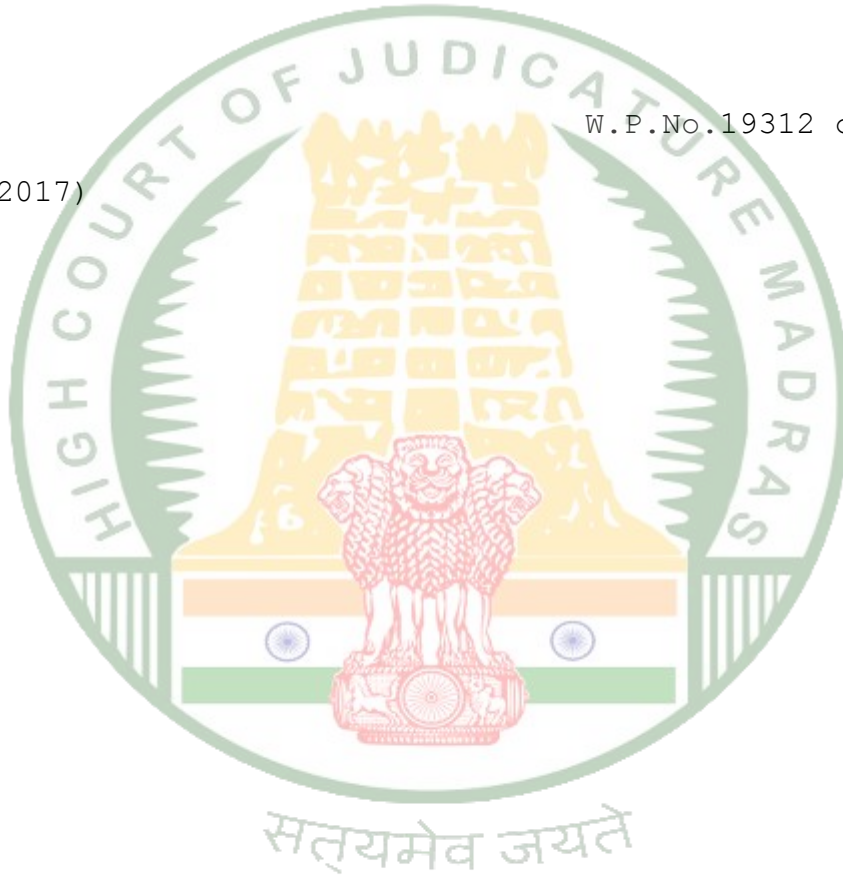
copy to:  
The District Munsif, Chidambaram

+1cc to M/s.N.Kannagi,Advocate sr.53806

+1cc to Government Pleader sr.53657

W.P.No.19312 of 2017

ss (9/8/2017)



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