

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15966 of 2012

S.Thiyagu

.. Petitioner

Vs

1.State of Tamilnadu
Rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

4.The Zonal Deputy Tahsildar,
Guduvancherry,
Kancheepuram District.

5.The President,
Tiruporur Panchayat,
Chengalpattu Taluk,
Kancheepuram District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to issue patta to the petitioner in respect of the land assigned to his grandmother which is situated at survey No.241/1, Plot No.106, Kalavakkam Village, Chengalpet Taluk, Kancheepuram District by taking into account of the resolution dated 28.02.2011 passed by the 5th respondent Panchayat and forwarded the same to the third respondent vide Na.Ka.No.49/2011 dated 26.04.2011.

For Petitioner : Mr.C.Premkumar

For Respondents : Mr.S.Navaneethan
Addl.Govt.Pleader

O R D E R

This writ petition has been filed to issue a writ of mandamus directing the respondents to issue patta to the petitioner in respect of the land assigned to his grandmother which is situated at survey No.241/1, Plot No.106, Kalavakkam Village, Chengalpet Taluk, Kancheepurm District by taking into account of the resolution dated 28.02.2011 passed by the 5th respondent Panchayat and forwarded the same to the third respondent vide Na.Ka.No.49/2011 dated 26.04.2011.

2. According to the petitioner, he is the grandson of late.Smt.M.Chinnakannu and his grandmother executed a Will dated 02.02.2010 in his favour. After her demise, the petitioner and his family members have been in possession and enjoyment of the property situated in S.No.244/1, Plot No.106, Kalavakkam Village, Chengalpattu Taluk, Kancheepuram District. The petitioner's grandmother made a request to the respondents for issuance of patta in respect of the said agricultural land. Pursuant to that, the lands situated in Kalavakkam Village were assessed and surveyed by the respondents in the year 1999, but thereafter, no steps have been taken by the respondents. Hence, the petitioner's grandmother filed a writ petition in W.P.No.20627 of 2009 before this Court and this Court by an order dated 12.10.2009, directed the respondents to consider her representation and to pass orders on merits. The petitioner's grandmother submitted the copy of the order to the 1st respondent along with her representation dated 17.11.2009. Thereafter, the second respondent has directed the third respondent viz., Tahsildar to take necessary steps for issuance of patta to her and after taking appropriate action, to communicate the same to the District Collector viz., the second respondent. The petitioner's grandmother viz., Chinnakannu died on 15.01.2011. Hence, the petitioner made a representation dated 08.08.2011 to the third respondent for issuance of patta in respect of the said land. On receipt of such representation, the second respondent/District Collector, has directed the third respondent/Tahsildar to take necessary steps to issue patta to the petitioner. Since no steps have been taken by the third respondent so far, the petitioner has come up with the present writ petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 5 would submit that the petitioner's representation is still pending before the second respondent and therefore, the second respondent may be directed to consider for issuance of patta, after getting a report from the Tahsildar and therefore, the relief sought for in this writ petition cannot be granted.

4. At this stage, the learned counsel for the petitioner would submit that the relief as prayed for in the writ petition can be moulded, it would suffice to direct the second respondent to consider the petitioner's representation dated 04.07.2011 and pass appropriate orders after getting a report from the Tahsidlar within the stipulated period.

5. Considering the submission made by both the parties and in view of the fact that the relief prayed for by the petitioner has been moulded, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 04.07.2011 and pass appropriate orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also permitted to furnish a copy of the said representation dated 04.07.2011 along with the order copy to the second respondent.

6. With the above directions, the writ petition is disposed of. No costs.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

1.The Secretary,
State of Tamilnadu
Revenue Department,
Fort St.George, Chennai 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

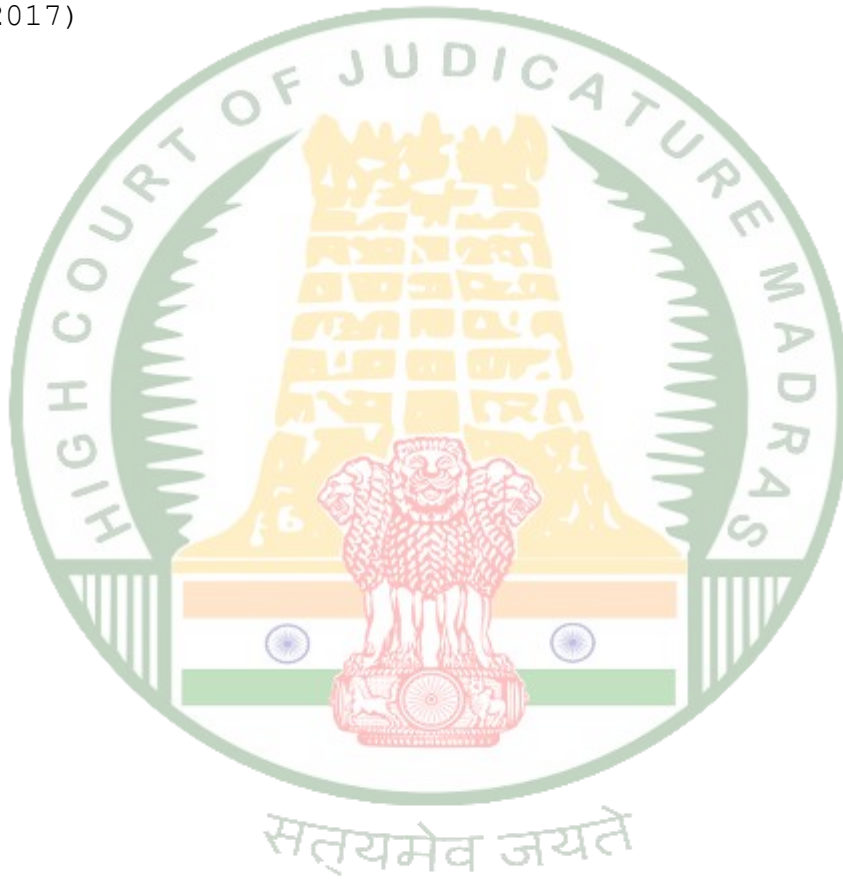
4.The Zonal Deputy Tahsildar,
Guduvancherry,
Kancheepuram District.

5.The President,
Tiruporur Panchayat,
Chengalpattu Taluk,
Kancheepuram District.

+ 1cc to M/s.R,Malaichamy, Advocate SR.No.10520
+ 2cc to Government Pleader, Sr.No.10742

W.P.No.15966 of 2012

RK(CO)
GN(28/03/2017)



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