

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7097 of 2017

J.Rajasekar

.. Petitioner

Versus

1.The Commissioner,
Office of the Commissioner of Land Reforms,
Chepauk,
Chennai-600 005.

2.The District Collector,
Thiruvannamalai Collectorate Office,
Thiruvannamalai.

3.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

4.The Revenue Divisional Officer,
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

5.The Tahsildar (Land Survey),
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue land survey register, patta and sketch in respect of remaining land of the petitioner measuring an extent of 2071 sq. ft., comprised in Survey Number 479/13,479/14 Ward No.A, Block No.12, at Kodanagar Village, Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.V.Manisekaran
For Respondents : Mr.R.S.Selvam,
Government Advocate.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue land survey register, patta and sketch in respect of remaining land of the writ petitioner measuring an extent of 2071 sq. ft., comprised in Survey Number 479/13,479/14 Ward No.A, Block No.12, at Kodanagar Village, Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District.

2. The grievance of the writ petitioner is that in spite of the fact that he had submitted several applications to the Tahsildar for grant of Patta Pass Book, the same has not been granted so far. Even the enquiry contemplated under the provisions of the Patta Pass Book Act, 1983 has not been conducted. Thus, the writ petitioner is unable to get patta for the past many years.

3. Under Section 3 of the Patta Pass Book Act, 1983, every owner of the land is entitled to get patta. It is a precondition that the person, who approaches the competent authority for grant of patta has to establish that he is the owner of the property. On production of such documents, the authorities competent are bound to conduct enquiry in respect of the ownership with reference to Section 3 of the Patta Pass Book Act, 1983 and thereafter, take a decision and pass orders on the application submitted by the persons, seeking patta pass book. Thus, an enquiry is contemplated under the provisions of the Act and the authorities competent are bound to conduct an enquiry in the manner known to law and by providing opportunities to the parties concerned.

4. In this view of the matter, the fifth respondent is directed to consider the application submitted by the writ petitioner on 3.2.2017 and conduct an enquiry and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Commissioner,
Office of the Commissioner of Land Reforms,
Chepauk,
Chennai-600 005.

2.The District Collector,
Thiruvannamalai Collectorate Office,
Thiruvannamalai.

3.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

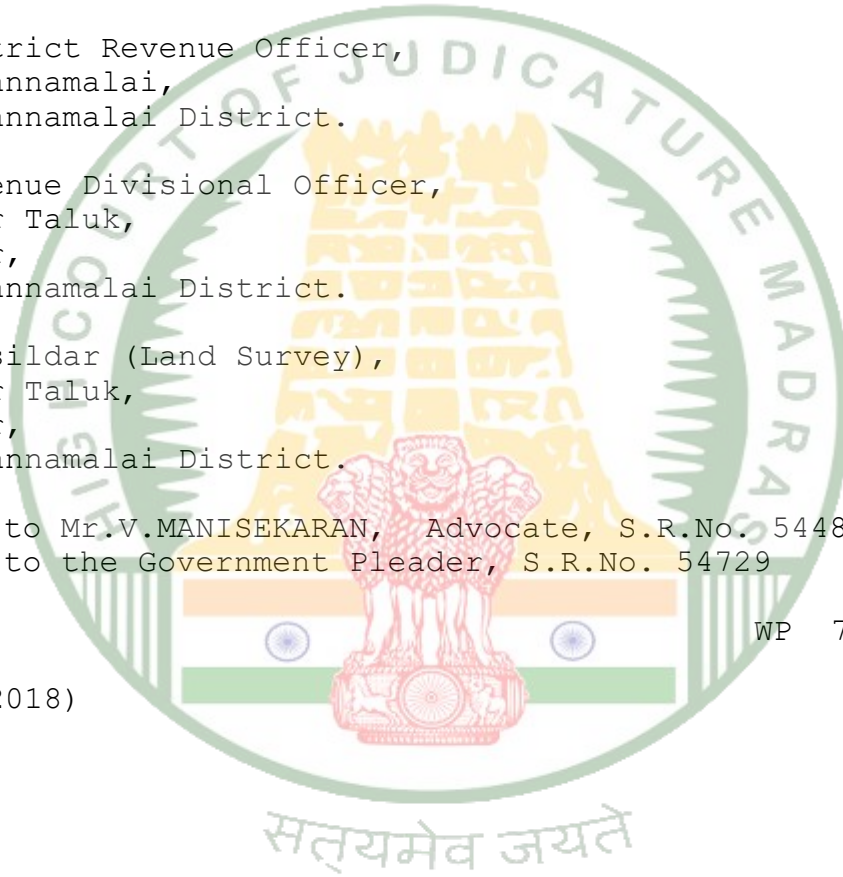
4.The Revenue Divisional Officer,
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

5.The Tahsildar (Land Survey),
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

+1cc to Mr.V.MANISEKARAN, Advocate, S.R.No. 54485
+1cc to the Government Pleader, S.R.No. 54729

WP 7097 of 2017

TR(21/08/2018)



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