

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.35155 of 2007

K.Adhirooban

... Petitioner

Vs

1. The District Collector,
O/o.the District Collector Office,
at Vellore.
2. The Tahsildar,
Arakkonam Taluk Office,
Vellore District.
3. Sundaram
(R3 impleaded as per the order of this Court
dated 05.01.2008 in MP.No.1 of 2008) ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 24.09.2007 and thereby direct the respondent to issue patta in favour of the petitioner for his property at patta no.392 consists of 42 cents of land in Ullinoor Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.B.Gopalakrishnan

For R1 & R2 : Mrs.K.Bhuyaneswari, AGP

For R3 : No appearance

ORDER

The petitioner has come up with this writ petition for a mandamus to direct the respondents to consider his representation dated 24.09.2007 and issue patta with respect to his property at Ullinoor Village, Arakkonam Taluk, Vellore District.

2.The case of the petitioner is that originally, his grandfather by name Vijayaraghavan owned 126 cents of the land in Patta No.392 of Ullinoor Village. After his demise, his three sons entered into an oral agreement and partitioned the

aforesaid land. Pursuant to the same, the father of the petitioner inherited 42 cents and after his death, the petitioner being his sole legal heir, got the said property and handed over the same to the third respondent, who is his cousin brother, for maintenance. Be that as it may, in September, 2007, the petitioner came to know that the patta in respect of his property stood in the name of one Krishnan, who is none else than the brother of the third respondent. Aggrieved over the same, the petitioner made a representation dated 24.09.2007 to the respondent authorities requesting to conduct enquiry and cancel the patta granted in favour of his cousin brother and issue the same in his favour. However, the said representation was not considered by the respondent authorities till date. Therefore, the petitioner has no other alternative except to approach this Court with this writ petition.

3.The learned counsel for the petitioner submitted that the petitioner submitted a representation seeking transfer of patta as early as on 24.09.2007 and the same is pending till date, without any consideration. Hence, the present writ petition.

4.On the other hand, the learned Additional Government Pleader appearing for the respondent authorities produced the copies of G.O.Ms.No.392 Revenue Department, dated 03.09.2003 and G.O.(D).No.210 Revenue (L.A.1(1)) Department, dated 08.07.2011 and submitted that the Government introduced on-line service with regard to the patta related issues and hence, the claim of the petitioner be considered, if not already considered, and appropriate orders be passed, by the respondent authorities, on merits and in accordance with law.

5.Heard both sides and perused the documents placed before this Court, more particularly, the Government Orders relied on by the learned Government Pleader appearing for the respondent authorities.

6.On a perusal of the aforesaid Government Orders, it is seen that through G.O.(Ms) No.382 Revenue Department, dated 03.09.2003, On-line service under the Centrally Sponsored Scheme of Computerisation of Land Records Programme (CLR) known as TAMIL NILAM, was introduced, as per which, the mutation are to be initiated by generating notices and then serving the same on interested parties. Besides issuance of computerised extracts of land records, it assists the public to access information on details of Old Age Pension/Destitute Pension, guideline values and birth and death certificates etc. In view of the same, the Government directed the authorities to ban the issuance of manual extract of land records and the use of hand written land records in all the Taluks in the State, as and when the Taluks are brought online. Subsequently, another G.O.(D)No.210 dated

08.07.2011 came to be issued prescribing procedure for transfer of pattas. According to the same, the applications seeking patta and patta transfer should be considered by the Tahsildar/Deputy Tahsildar, within a period of 30 days. In case of sub divisions, the patta shall be issued within a period of 15 days. Further, considering the pendency of the applications relating to patta issue, the Government directed the Village Administrative Officers of the concerned Village to give details relating to receipt of the applications to the Zonal Deputy Tahsildar, who in turn, register those details in the computer. Thereafter, the Deputy Revenue Inspector shall maintain separate records and depute the work to the Surveyor, who conduct survey and verify the same, without the original records maintained by the Revenue Department within 10 days and submit a report to the Deputy Revenue Inspector, who, after inspection, handed over the same to the Tahsildar. The entire exercise shall be done within a period of 30 days. That apart, the Revenue Officials should report all the same to the Principal Secretary and Land Administration Commissioner bi-monthly. On receipt of such application along with photocopy of the documents, the Village Administrative Officer gives acknowledgement. In case of non-issuance of patta transfer, the Tahsildar or Zonal Tahsildar as the case may be, has to explain the reasons for the same.

7. When such being the factual scenario, now-a-days, the applications seeking patta related issues, are pending without any consideration endlessly. Such callous attitude on the part of the officials cannot be countenanced, as the 'Patta' is a Record of Rights (ROR), issued by the Government and it signifies the lawful possession of the land and is an essential document required for property transactions. The present case is also one such case, wherein, the representation submitted by the petitioner seeking patta transfer is pending, without any progress, from the year 2007 onwards.

8. Hence, considering the nature of the issue involved herein and taking note of the hardship and difficulties faced by the public, this Court issues the following directions:

(i) All the Tahsildars in the Districts shall furnish the details relating to number of applications received for transfer of patta and its status etc.

(ii) The Secretary and the Commissioner of the Revenue Administration shall report about the number of Review meetings conducted by them, as per G.O.Ms.No.210 dated 08.07.2011.

(iii)The authority concerned shall appoint Separate officer in the rank of Deputy Collector or Revenue Divisional Officer to monitor patta related matters and update the website maintained by the office of the District Collector.

(iv)The authorities concerned shall report the same to this court periodically once in three months.

(v)The Director of Vigilance shall monitor the complaints relating to issuance of patta and submit a report periodically.

(vi)The Sub Inspectors of survey are controlled by the Director or Commissioner of Survey and Settlement and Anti-corruption.

(vii)the Secretary to Government, Department of Information and Technology, Chennai shall take steps by appointing an officer to set right the online issues.

(viii)The District Judges shall monitor the disposal of the patta transfers.

(ix)The Inspector General of Registration shall update the information in the records periodically.

9.Accordingly, this writ petition stands disposed of, directing the respondents to conduct enquiry and pass appropriate orders, on the representation of the petitioner dated 24.09.2007, on merits and in accordance with law, within a period of 4 weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
O/o.the District Collector Office,
at Vellore.
2. The Tahsildar,
Arakkonam Taluk Office,
Vellore District.

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copy to:

- 1) The Principal Secretary to Government of Tamilnadu,
Fort St.George,
Chennai
(To give instructions to the departments concerned)
- 2) The Secretary / Commissioner,
Revenue Administration,
Secretariate, Chennai.
- 3) The Secretary to Government,
Department of Information and Technology,
Secretariate, Chennai.
- 4) The Director,
Vigilance and Anti-corruption,
Chennai.
- 5) The Inspector General of Registration,
Chennai.
- 6) The Registrar General,
High Court, Madras.
- 7) The Registrar (Judicial)
High Court, Madras.
- 8) The Section Officer,
B Section, High Court, Madras.

+1 cc to M/s.B.Gopalakrishnan, Advocate, S.R.No.84095

+1 cc to the Government Pleader, S.R.No.85134

SJ(CO)
SSM(03/05/2019)

सत्यमेव जयते

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