

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.28081 of 2005

1.N.K.Jinnah
2.J.Banu
3.J.Nizar
4.J.Rafeeq
5.J.Habeez

...Petitioners

Vs

1. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

2. The Tahsildar,
Coimbatore Taluk,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent authorities to pass orders on the representations dated 7.5.2004, 10.11.2004 and 15.7.2005 submitted by the petitioners for grant of patta in respect of the property bearing Door No.441, Old Door No.330, Rangae Goundan Street, Coimbatore Town and effect mutation of title in the revenue records as well as in the municipal records on the basis of the registered sale deeds dated 8.3.1993 registered as document 1746 of 1993, SRO, Parasala, sale deed dated 8.3.1993 Document No.1747 of 1993, SRO, Parasala, sale deed dated 21.6.1995 Document No.6867 of 1995, SRO, Parasala and consequently direct the respondent authorities to issue patta in favour of the petitioners and assess land tax and property tax in the name of the petitioners.

For Petitioners : Mr.S.Thankasivan

For Respondent-1 : Mr.S.Saravanan

For Respondent-2 : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the to pass orders on the representations dated 7.5.2004, 10.11.2004 and 15.7.2005 submitted by the petitioners for grant of patta in respect of the property bearing Door No.441, Old Door No.330, Rangae Goundan Street, Coimbatore Town and effect mutation of title in the revenue records as well as in the municipal records on the basis of the registered sale deeds dated 8.3.1993 registered as document 1746 of 1993, SRO, Parasala, sale deed dated 8.3.1993 Document No.1747 of 1993, SRO, Parasala, sale deed dated 21.6.1995 Document No.6867 of 1995, SRO, Parasala and consequently direct the respondent authorities to issue patta in favour of the writ petitioners and assess land tax and property tax in the name of the writ petitioners.

2. The grievances of the writ petitioners are that prior to the amendment inserted in the Registration Act, the writ petitioners executed the Sale Deed in respect of the property situate within the jurisdiction of the State of Tamil Nadu at Parasala in Kerala State. In view of the fact that the Sale Deeds were registered in Kerala State, the Sub Registrar is not initiating action, enabling the writ petitioners to get patta from the competent revenue officials and to assess the property tax by the local authority.

3. The learned counsel for the first respondent states that in the event of obtaining proper orders from the authority concerned, the case of the writ petitioners would be considered for the assessment of property tax with reference to the Coimbatore City Municipal Corporation Act, 1991.

4. In this view of the matter, the Tahsildar has to consider the nature of the registration made and the genuinity of such registration and thereafter pass appropriate orders for grant of patta in favour of the writ petitioners. In the event of conducting an enquiry under the provisions of the Patta Pass Book Act, 1983, opportunity is to be provided to all the parties concerned and by verification of the classification of the land in question.

5. This being the factum of the case, without going into the merits of the case, the Tahsildar, Coimbatore Taluk, Coimbatore, is directed to consider the representation submitted by the writ petitioners on merits and pass orders on merits and in accordance with law and by conducting an enquiry, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy

of the representation and all other relevant documents and evidences along with the order passed in the present writ petition.

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

Svn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Coimbatore,
Coimbatore.
2. The Tahsildar,
Coimbatore Taluk,
Coimbatore.

+1cc to Mr.S.Thankasivam, Advocate, S.R.No.88718

+1cc to Mr.S.Saravanan, Advocate, S.R.No.88005

kak (24/01/2019)

WP No.28081 of 2005

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