

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2018

CORAM

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

WP.No.11578 of 2017

and

WMP.No.12586 of 2017

E.Kumarakotti

..Petitioner

vs

1.The Tahsildar
Thirukalukundam Taluk
Kancheepuram District.

2.Logeswaran

3.Dinesh

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India petitioner prayed that this Court may be pleased to issuance a writ of Mandamus or any other writ of order or direction, directing the first respondents to consider the petitioners representation dated 29.02.2016 and to since patta to the extent of 45 cents bearing S.No.247/2 situated at No.67, Natham Kariyacheri Village, Thirukalukundram Taluk, Kancheepuram District.

For Petitioner : Mr.S.L.Venkatesan

For Respondents : Mrs. A.Sri Jayanthi,
Special Government Pleader for R1
Mr.M.Dhamodharan for R2 and R3

O R D E R

The relief sought for in this writ petition is for direction to direct the 1st respondent to consider the representation submitted by the writ petitioner on 29.02.2016, in respect of his claim for grant of Patta.

2. The grievance of the writ petitioner is that the 1st respondent has granted Patta in favour of the respondents 2 and 3 and the case of the writ petitioner alone was not considered. In view of the fact that the 1st respondent has granted Patta on extraneous circumstances in favour of the 2nd respondent, the writ petitioner has submitted a representation to the 1st respondent on 01.05.2017 and the 1st respondent has not considered his representation and not passed any orders. The

Patta can be granted to the owner of an immovable property under the provisions of the Tamil Nadu Patta Passbook Act, 1983. Whenever application seeking Patta has been filed by the person, the competent authority has to conduct enquiry under the provisions of the Tamil Nadu Patta Passbook Act and take a decision and pass orders on merits and in accordance with law.

3. However, the Patta cannot be granted, if there is any civil dispute or counter claim in respect of the property. In other words, the revenue officials are incompetent to adjudicate the title, ownership or possession in respect of the immovable property. Patta can be granted, only if a person established that he is the owner of the property.

4. This Court is of an opinion that it is suffice if a direction is issued to the 1st respondent to consider the representation submitted by the writ petitioner. Accordingly, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 01.05.2017 and pass orders on merits and in accordance with law after affording reasonable opportunity to all the parties concerned within a period of twelve weeks from the date of receipt of the copy of this order. The writ petitioner is directed to send a copy of the representation along with all the documents and order passed in this writ petition.

5. The writ petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar
Thirukalukundam Taluk
Kancheepuram District.

+1cc to Dr.G.Krishnamurthy, Advocate, S.R.No. 54960
+1cc to Mr.M.Dhamodharan, Advocate, S.R.No. 54990
+1cc to the Government Pleader, S.R.No. 55366

WP.No.11578 of 2017

CA (CO)
GN (07/09/2018)