

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1099 of 2018
and
W.M.P.No.1333 of 2018

K. Ramamurthy

.. Petitioner

versus

1.The District Collector,
Kanchipuram District,

2.The Tahsildar,
Sholinganallur,
Kanchipuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.No.4512/2017/Aa2 dated 03.11.2017 and quash the same and consequently direct the respondents to issue computerised patta in respect of 10 cents of land in survey 29/1, Uthandi Village, Kanchipuram District pursuant to the assignment patta (as house site) granted to the petitioner as early as on 01.03.1974 on collecting a sum of Rs.2500/-.

For Petitioner : Mr.M.Kalyanasundaram, Senior Counsel
for Mr.V.Srinivasan

For Respondents : Mr.E.Balamurugan,
Special Government Pleader

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O R D E R

The writ petition is filed challenging the order in Na.Ka.No.4512/2017/Aa2 dated 03.11.2017 passed by the second respondent refusing to grant patta in favour of the petitioner.

2. The petitioner claims that he was assigned with the petition mentioned property, i.e., 10 cents of land in

S.No.29/1, Uthandi Village, Kanchipuram District, on 01.03.1974. In year 1994, when he was issued with notice on the premise that he encroached the land, he approached this Court and he was asked to approach the concerned authorities for redressing his grievance. After a series of representations, which yielded no fruits, he filed W.P.No.16141 of 2017, wherein, the second respondent was directed to consider his representation dated 19.05.2017 for the issuance of assignment patta and pass orders in accordance with law. Accordingly, after filing of contempt petition, the impugned order came to be passed rejecting his request on the ground that the said land is classified as Kulam poromboke.

3. Heard Mr.M.Kalyanasundaram, learned Senior Counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case and the submissions made on either side and also the fact that there is an appellate remedy provided under Section 12 of the Patta Pass Book Act, 1973, without expressing any opinion on the merits of the representations, this Court directs the petitioner to approach the Revenue Divisional Officer (R.D.O.) concerned and present the appeal papers within a period of two weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer (R.D.O.) is directed to consider and dispose of the appeal, after issuing notice to the petitioner and the persons interested in this regard and affording them an opportunity of personal hearing, by passing appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of the representation from the petitioner, as directed above.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सतरामेव जयते
s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi

To

1.The District Collector,
Kanchipuram District,

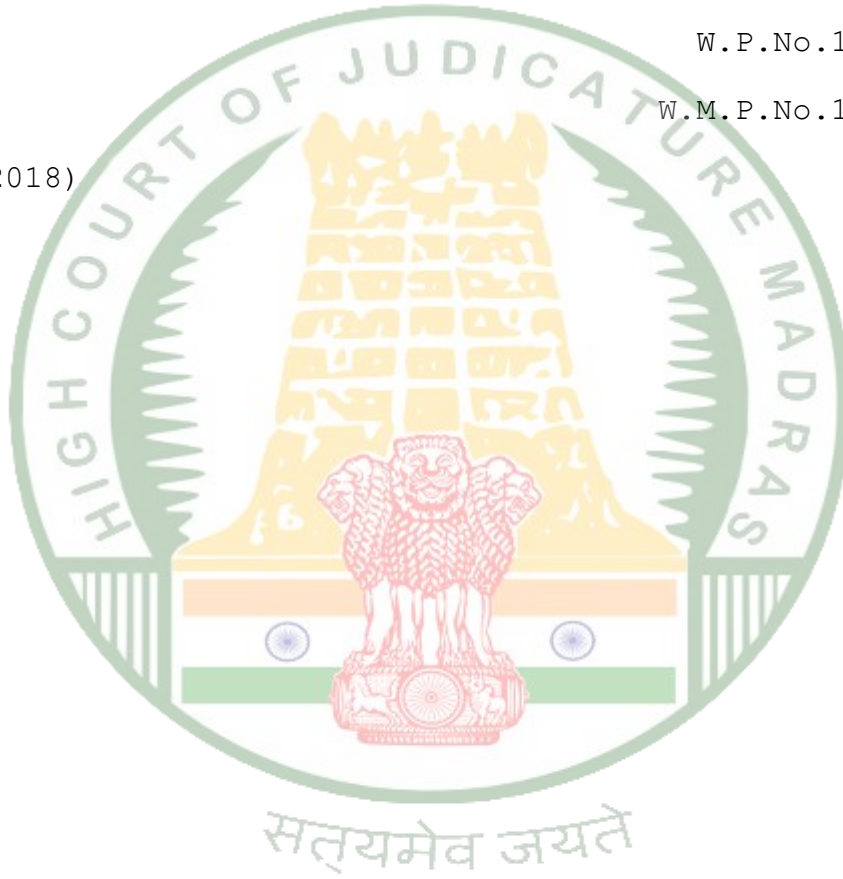
2.The Tahsildar,
Sholinganallur,
Kanchipuram District.

3. The Revenue Divisional Officer
Kanchipuram.

+1 CC to Mr.V.Srinivasan, Advocate sr 78414.

W.P.No.1099 of 2018
and
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SP(06/12/2018)



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