

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :09.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.10926 of 2018

R.Sathiyamurthy

... Petitioner

Versus

The Tahsildhar,
Walajabad,
Kancheepuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to issue patta in the petitioner's name regarding the property S. No.410/2B, 410/2C in plot Nos.78, 79, 80, 81 measuring about 9600 sq. ft. within a stipulated period.

For Petitioner : Mr. V. Kayalvizhi

For Respondent : 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 respondent to issue patta in the name of the writ petitioner in respect of the property in Survey No.410/2B, 410/2C in Plot Nos.78, 79, 80 and 81 measuring about 9600 sq. ft. within a stipulated period.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner purchased a land at Pazhaisivaram village at Kancheepuram in Patta No.1344, in Survey No. 410/2B, 410/2C in plot Nos.78, 79, 80 and 81 measuring about 9600 sq. ft. by way of a sale deed, dated 03.03.2006. After the said purchase, the petitioner is in peaceful possession and enjoyment of the property. The petitioner approached the respondent for grant of patta in his name. However the same was refused and no action has been taken by the respondent even to consider the application submitted along with the documents.

3. This Court is of an opinion that every owner of an immovable property shall submit an application for grant of Patta under the Provisions of the Patta Pass Book Act, 1983.

4. Section 3 of the Act enumerates that an owner is entitled to get Patta Pass book under the provisions of the Act. Thus, if the person, who submits an application for grant of Patta, is able to establish the ownership, then the competent authorities are bound to consider the same and grant patta in accordance with the procedures contemplated under the Act. Now, in this case, the writ petitioner has submitted an application for grant of patta on 05.03.2018 and the same has not been considered.

5. In view of this fact, this Court is of an opinion that the respondent - Tahsildhar, has to consider the application submitted by the writ petitioner and the documents submitted and after conducting a thorough enquiry in respect of the ownership take a decision and pass orders. Accordingly, the respondent is directed to consider the representation and conduct an enquiry by affording reasonable opportunity to all the parties and consider if there is any counter claim and thereafter, take a decision and pass orders, within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

vsi 2/pkn
To
The Tahsildhar,
Walajabad,
Kancheepuram.

+lcc to Government Pleader SR.NO.55341
+lcc to M/s.V.Kayalvizhi, Advocate SR.NO.54715

RV(CO)
sm:31.8.2018

W.P.No.10926 of 2018