

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.25283 of 2014 and
M.P.No.1 of 2014

P.Sundaram

... Petitioner

Vs

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai 606 601.

2. The Thasildar,
O/o The Thasildar,
Tiruvannamalai District,
Tiruvannamalai 606 601.

3. Shahjahan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 11.06.2014 made by the petitioner seeking their indulgence for conducting survey and sub-divide the property purchased by the petitioner vide sale deed dated 23.08.2001 by having an enquiry on the document relied upon by the 3rd respondent and to issue patta to the petitioner on due process of law.

For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.R.S.Selvam
Government Advocate for R1 and R2

: R3 - No appearance

O R D E R

The relief sought for in the present writ petition is a direction to direct the 2nd respondent to consider the representation submitted by the writ petitioner on 11.06.2014, for grant of patta in respect of the property purchased by him, vide sale deed dated 23.08.2001.

2. The learned counsel for the petitioner states that the writ petitioner is the owner of the property located in Town Survey No.521/3C1C, the house site situated in Thiruvannamalai Town, 3rd Ward, Block No.1. The petitioner submitted an application for grant of patta in his name. However, on account of certain objections raised by the 3rd respondent, the 2nd respondent has not considered the application submitted by the writ petitioner.

3. The learned counsel for the petitioner states that the civil disputes between the writ petitioner and the 3rd respondent were concluded and therefore, there is no impediment for the 2nd respondent to consider the application submitted by the writ petitioner.

4. This Court is of an opinion that under Section 3 of the Tamil Nadu Patta Pass Book Act, 1983, the owner of the property is entitled to get the Patta Pass Book, to be issued by the competent authorities of the Revenue Department. In this regard, the authorities competent, are bound to conduct an enquiry and thereafter, take a decision and pass orders. Thus, the 2nd respondent is bound to conduct an enquiry, by affording a reasonable opportunity to all the parties concerned, take a decision and pass orders by following the Rules, as contemplated under the Tamil Nadu Patta Pass Book Act, 1983.

5. In this view of the matter, the 2nd respondent is directed to consider the representation submitted by the writ petitioner on 11.06.2014, conduct an enquiry by affording an opportunity to all the parties concerned, and pass orders on merits and in accordance with law, within twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai 606 601.

2. The Thasildar,
O/o. The Thasildar,
Tiruvannamalai District,
Tiruvannamalai 606 601.

+1cc to the Government Pleader Sr.64975

+1cc to Mr.R.Sathishkumar, Advocate Sr.64660

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srg 01/10/2018



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