

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :13.08.2018
CORAM

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

W.P.No.27361 of 2017

Mr.G.Joseph Maria Chandran

..Petitioner

vs

1.The District Collector,
Perambalur,
Perambalur Taluk & District.

2.The Tahsildhar,
Perambalur,
Perambalur Taluk & District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to issue Patta to the property situated Plot No.27, Door No.24/1 V3 Madanagopalapuram, 7th Ward Perambalur North 621 212 measuring 2194.5 Sq.ft. and pass order on the representation of the petitioner dated 19.12.2016.

For Petitioner : Mr.K.Sivakumar

For Respondents : Mr.A.Ansar, GA for R1 and R2

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue Patta to the property situated Plot No.27, Door No.24/1 V3 Madanagopalapuram, 7th Ward Perambalur North 621 212 measuring 2194.5 Sq.ft. and pass order on the representation of the petitioner dated 19.12.2016.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is the absolute owner of the property situated at Plot No.27, Perambalur, Perambalur Taluk and District, comprised in Survey No.429/3, measuring an extent of 5 cents i.e. 2194.5 Sq.ft. of vacant Plot was purchased the said Plot from one Mr.Anthoniraj, S/o.Moses through the sale deed as Document No.1316/1994 dated 15.06.1994.

3.The grievance of the writ petitioner is that in respect of the neighbouring Plots, patta has already been granted and the applications submitted by the writ petitioner in this regard has not been considered.

4.This Court is of an opinion that Patta is to be granted in accord with the provisions as contemplated in the Patta Pass Book Act, 1983. Section 3 of the Patta Pass Book Act enumerates that a Patta Pass Book can be granted to an "owner" in the event of establishing that he is the owner of the immovable property. Thus, the application submitted by the writ petitioner in this regard has to be scrutinized and an enquiry is to be conducted and thereafter, when the petitioner is eligible, the patta can be granted in accordance with the provisions of the Patta Pass Book Act. The Tahsildar in this regard is bound to conduct an enquiry in respect of the ownership to be established by the writ petitioner at the time of conducting an enquiry.

5.This being the factum of the case and without going into the merits of the matter, the 2nd respondent/the Tahsildar is directed to consider the application submitted by the writ petitioner for grant of patta on 19.12.2016 and pass orders on merits and in accordance with law and by providing opportunity to all the parties concerned 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 the relevant documents along with the order passed in this writ petition.

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

Sd/-
Deputy Registrar

// True Copy //

Sub Assistant Registrar

To

- 1.The District Collector,
Perambalur, Perambalur Taluk & District.
- 2.The Tahsildhar,
Perambalur, Perambalur Taluk & District.

+1cc to Mr.MD.Ibrahim Ali, Advocate SR.No.55637
+1cc to Government Pleader SR.No.55637

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SMI/31.08.2018