

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :09.08.2018
CORAM

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

W.P.No.13404 of 2018

B.Balan

.. Petitioner

vs.

1.The District Collector,
Villupuram.

2. The Tahsildar,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to issue patta in favour of petitioner in respect of property situate at survey number 71/7 measuring 0.73 cents at Kuthampoondi village, Villupuram district .

For Petitioner : M/s.V.Raghavachari
For Respondents : 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 favour of the writ petitioner in respect of property situated at Survey No.71/7 measuring 0.73 cents at Kuthampoondi village, Villupuram district.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that, there was a dispute in respect of the title of property in question and a civil suit was filed in O.S. No.1112 of 1982, on the file of District Munsif Court, Villupuram. The suit decreed in favour of the writ petitioner and the defendants in the civil suit preferred A.S No. 166 of 1983 on the file of Sub Court, Villupuram. However, the decree was set aside by the first appellate Court and challenging the same, the writ petitioner filed Second Appeal No.606 of 1990. The Second Appeal filed by the writ petitioner was allowed by this Court on 13.06.2002. Thus, the writ petitioner became the absolute owner of the property, which is described in the present writ petition. Based on these documents the writ petitioner has submitted a representation to the respondent on 09.06.2011 and thereafter reminders were sent on

various dates and finally on 02.04.2018. However, none of these representations are considered for grant of patta in favour of the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition under Article 226 of Constitution of India.

3. This Court is of an opinion that, once a person submits an application for grant of patta, it is duty mandatory on the part of the revenue officials to ensure that those applications are considered within a reasonable period of time under the provisions of Patta Pass Book Act and pass orders without any undue delay. In the present case on hand, the Writ petitioner has submitted an application long back for grant of patta and thereafter, no action has been taken by the respondent to consider the application submitted by the writ petitioner in this regard.

4. In this view of the matter, the second respondent/Tahsildar, Villupuram is directed to consider the application submitted by the writ petitioner on 09.06.2011 and finally on 02.04.2018 and consider all the documents and materials available on record and pass orders on merits and in accordance of law within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petitioner is directed to enclose the copies of the representation and the documents connected along with the order passed in this regard. 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,
Villupuram.

2. The Tahsildar,
Villupuram.

+1cc to Mr.V.Raghavachari, Advocate SR.No.54843
+1cc to Government Pleader SR.No.55373

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SMI/29.08.2018