

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.09.2018

CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Writ Petition No.24017 of 2018
and
WMP.No.27978 of 2018

1.N.Subramania Iyer
2.S.Jayalakshmi

... Petitioners

Vs.

1.The Assistant Settlement Officer (North)
Office of the Special Commissioner &
Director of Survey and Settlement,
Government of Tamil Nadu, Survey House,
3rd Floor, Chepauk, Chennai- 600 005.

2.The Tahsildar,
Alandur, Chennai.

... Respondents

Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to hold an enquiry and pass orders on merits in respect of patta for the Plot No.17 of land situated in T.S.No.79, Ward E, Block No.16, 136 Adambakkam Village, Alandur Taluk Plot No.17 in Pymash No.573 - Re Survey No.104/3 Extent 3600 sq.ft.

For Petitioners : Mr.S.Rajasekar

For Respondents : Mr.V.Jayaprakash Narayanan
Spl. Government Pleader

ORDER

The prayer made in this writ petition is to direct the first respondent to hold an enquiry and pass orders with regard to issuance of patta in respect of Plot No.17 situated in T.S.No.79, Ward E, Block No.16, 136 Adambakkam Village, Alandur Taluk.

2.The learned counsel for the petitioners submitted that despite the order dated 25.07.2005 in M.I.C.M.A.No.13 of 1995, passed by the Minor Inam Tribunal (Principal Sub Court, Chengalpattu), which allowed the appeal filed by the petitioners herein by setting aside the order dated 30.03.1995 passed by the first respondent and directed the first respondent to hold fresh enquiry, after giving opportunity to the petitioners to let in

evidence and pass appropriate orders, the first respondent has not considered the claim of the petitioners, with regard to transfer of patta with respect of the aforesaid land. Though the petitioners sent several representations on 11.09.2007, 28.04.2008 and 21.02.2014, no order has been passed by the first respondent, till date. Hence, the petitioners are before this Court.

3. Heard the learned Special Government Pleader appearing for the respondents, who fairly submitted that the first respondent would consider the claim of the petitioners, in the light of the order of the Tribunal, within a time frame to be fixed by this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to conduct enquiry and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners, as directed by the Minor Inam Tribunal (Principal Sub Court, Chengalpattu) in the order dated 25.07.2005 passed in M.I.C.M.A.No.13 of 1995. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition stands disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Settlement Officer (North),
Office of the Special Commissioner &
Director of Survey and Settlement,
Survey House, 3rd Floor, Chepauk, Chennai- 600 005.

2. The Tahsildar, Alandur, Chennai.

+2cc to Mr S.Rajasekar, Advocate, SR.No. 65921

+1cc to Government Pleader, SR.No. 66274

W.P.No.24017 of 2018

KS (CO)

rrs (15/10/2018)