

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM

The Hon'ble Mr. Justice T.Raja

W.P.No.14475 of 2018

Mrs. K.Revathi

...Petitioner

vs

1. The Secretary to Government,
Revenue Department,
Tamil Nadu Government,
Secretariat, Kamarajar Salai,
Chennai - 600 009.

2. The District Collector,
Chennai District, Rajaji Salai,
Singaravelar Maligai,
Chennai - 600 001.

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation, dated 17.04.2018, seeking to provide patta in respect of the property measuring an extent of 950 sq.ft comprised in T.S.No.4915/1 Block No115, situated at No.9A, Dr.Nair Salai and Vijayaraghava Junction, T.Nagar, Chennai - 600 017 in favour of the petitioner within the stipulated time as prescribed by this Court.

For Petitioner : Mr.M.Sunil Raja

For Respondents: Mrs. P.Rajalakshmi
Additional Government Pleader

ORDER

Heard Mr.M.Sunil Raja, the learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, the learned Additional Government Pleader appearing on behalf of the respondents. With consent on either side, the Writ Petition is taken up for disposal.

2. The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents to dispose of her representation, dated 17.04.2018, made for issuance of patta in her name, in respect of the property

measuring an extent of 950 sq.ft comprised in T.S.No.4915/1, Block No.115, situated at No.9A, Dr.Nair Salai and Vijayaraghava Junction, T.Nagar, Chennai - 600 017, within the stipulated period.

3. The petitioner claims to be in possession of the aforementioned property for a long time. She is also residing along with her sister K.Shagunthala, and paying the property tax and obtained electricity connection to the said premises.

4. It is submitted by the learned counsel appearing for the petitioner that, initially, in the year, 1987, the petitioner was running a bunk shop. However, a Civil Suit was instituted by the petitioner's sister in O.S.No.3060 of 1988 on the file of the IV Assistant City Civil Court, Chennai, seeking permanent injunction to restrain the Corporation of Chennai from interfering with the peaceful possession and enjoyment of the said property and the said Civil Suit was decreed in her favour on 13.11.1990. After four years, the District Collector, in his proceedings, dated 30.12.1994, bearing No.05/7524/90, assigned land in favour of the petitioner's sister K.Shagunthala and patta in respect of the property measuring 450 sq.ft. was given in favour of the petitioner's sister. Therefore, the petitioner, having not been issued with patta, came to this Court by way of W.P.No.24659 of 2004, seeking for a direction to the respondents to provide patta in her name, and this Court, by order, dated 06.10.2004, disposed of the said Writ Petition, directing the second respondent, who is the first respondent herein to dispose of the petitioner's representation. Pursuant thereto, a proceeding has also been issued by the first respondent, Revenue Department, stating that, if a person is in possession of a Government Poramboke Land for more than five years, as per G.O.Ms.No.34, dated 23.01.2008, the request of the issuance of the patta can be considered. In spite of the said proceeding, the District Collector/second respondent has not passed any order. Therefore, the learned counsel prays that since already there is a proceeding issued by the first respondent, the second respondent/District Collector may be directed to consider and dispose of the petitioner's representation, dated 17.04.2018, in the light of the proceeding issued by the first respondent within the reasonable period. In view of such submission, and considering the limited scope of the prayer sought for in this Writ Petition, this Court is of the view that no useful purpose would be served by directing the respondents to file counter affidavit and disposes of this Writ Petition at this stage with a direction to the second respondent to consider the representation of the petitioner, dated 17.04.2018 on the basis of the judgement and decree passed in O.S.No.3060 of 1998, dated 13.11.1990 and the proceeding issued by the first respondent, dated 20.03.2008 and pass appropriate

orders within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the representation. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Tamil Nadu Government,
Secretariat, Kamarajar Salai,
Chennai - 600 009.

2. The District Collector,
Chennai District, Rajaji Salai,
Singaravelar Maligai,
Chennai - 600 001.

+2cc to Mr.M.Sunil Raja, Advocate, S.R.No.37785

+1cc to the Government Pleader, S.R.No.38256

W.P.No.14475 of 2018

(CO)
GSP(13/07/2018)

सत्यमेव जयते
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