

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.16749 of 2018

C.Manmal Jain

.. Petitioner

Vs

1.The Revenue Tahsildar,
Mambalam Guindy Taluk,
Chennai - 78.

2.The Official Assignee,
High Court Building Premises,
High Court, Madras.

3.The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
K.K. Nagar Division, Chennai.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents particularly the first respondent the Revenue Tahsildar, Mambalam Guindy Taluk, to consider the petitioner's application dated 18.01.2016 (Receipt No.3615) for transfer of patta with respect of their land in T.S.No.51 Block No.6 Old S.No.37/18 Part and 36/1 Part (New No.16, 21st Avenue Ashok Nagar) Chennai (Plot No.2) measuring extent of 02 grounds and 10 square feet and order to transfer the patta immediately.

For petitioner : Mr.M.Liagat Ali

For R1 : Mr.I.Sathish, AGP

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the first respondent / Revenue Tahsildar, Mambalam Guindy Taluk, to consider his application dated 18.01.2016 requesting transfer of patta in respect of his land in T.S.No.51 Block No.6 Old S.No.37/18 Part and 36/1 Part (New No.16, 21st Avenue Ashok Nagar) Chennai (Plot No.2) measuring an extent of 02 grounds and 10 square feet.

2. Learned counsel for the petitioner submitted that the petitioner has purchased a plot to an extent of 2 grounds 10 sq.ft, situated at Plot No.2, New No.16, 21st Avenue Ashok Nagar, Chennai, from the Official Trustee of Tamil Nadu under the Registered sale deed dated 15.12.1979. Being the owner of the land, he has also applied for transfer of patta in his name on 18.01.2016 before the Tahsildar, Mambalam Guindy Taluk, Chennai. It is also further stated that even after the several communications, the Special Tahsildar has not come forward to transfer the patta in his name and in view of the same, the CMDA also has not considered the plan submitted by him for construction of a building in the said plot. Hence, he has filed the present writ petition with a prayer cited supra.

3. It is seen that this Court, in its order dated 28.11.1975, passed in Insolvency Petition No.76/1975, directed to vest all the estates of Mr.B.Kumar, Mr.P.Benny Abraham, Mr.A.G.Paneerselvam and Mr.S.M.Gilbert, with the Official Assignee of Tamil Nadu. Thereafter, at the request of the Official Assignee, the Tamil Nadu Housing Board had executed a sale deed dated 12.03.1979 on the file of the Sub Registrar, Kodambakkam, to and in favour of the Official Assignee, Chennai, in respect of the property in question. Subsequently, on behalf of the Official Assignee, M/s.Chandramani & Co. conducted the public auction on 15.12.1979, in and by which, the petitioner was the highest bidder and thereafter, the Official Assignee has executed a sale deed dated 17.01.1980 to and in favour of Mr.C.Manmal Jain (petitioner herein), Mr.C.Kanmal Jain and Mr.C.Surendharamal Jain, all are sons of Chandmal Jain.

4. Therefore, in view of the reasons stated above, this Court finds no hesitation to direct the first respondent to consider the application dated 18.01.2016 of the petitioner for transfer of patta in his name in respect of the property in question, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, with this direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Revenue Tahsildar,
Mambalam Guindy Taluk,
Chennai - 78.

2.The Official Assignee,
High Court Building Premises,
High Court, Madras.

3.The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
K.K. Nagar Division, Chennai.

+1cc to Mr.M.Liagat Ali, Advocate, S.R.No.43590
+1cc to the Government Pleader, S.R.No.44545

W.P.No.16749 of 2018

CS/13/07/18



WEB COPY