

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18356 of 2012

K.Ramasamy

... Petitioner

Vs.

The Tahsildar
Purasaiwalkam - Perambur Taluk,
Perambur,
Chennai - 11.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the order of the respondent dated 27.04.2012 passed in his proceedings No.A3/13109/2012 and quash the same and consequently directing the respondent to conduct a summary inquiry as provided under RSO 31 (7) of Standing Orders of the Board of Revenue and pass necessary orders with regard to transfer of Registry of title to the petitioner in respect of his house site to an extent of 3-3/4 cents in Survey No.63/2 situated at No.71, Kunnur Village, Purasaiwalkam-Perambur Taluk Chennai District.

For Petitioner : Mr.P.Rathanavel

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the order of the respondent dated 27.04.2012 passed in his proceedings No.A3/13109/2012 and quash the same and consequently directing the respondent to conduct a summary inquiry as provided under RSO 31 (7) of Standing Orders of the Board of Revenue and pass necessary orders with regard to transfer of Registry of title to the petitioner in respect of his house site to an extent of 3-3/4 cents in Survey No.63/2 situated at No.71, Kunnur Village, Purasaiwalkam-Perambur Taluk Chennai District.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that earlier the petitioner approached this Court by filing writ petition in W.P.No.9634 of 2011 seeking issuance of Writ of Mandamus to direct the respondent to issue patta to the petitioner in respect of his house site in pursuance of the application of the petitioner dated 13.08.2007 presented under Section 23 of the Tamil Nadu Patta Pass Book Act, 1983, which was received by the respondent on 14.08.2007.

4.It is the further case of the petitioner that this Court vide order dated 18.04.2011 directed the respondents therein to consider the petitioner's application dated 13.08.2007 and to pass orders within a stipulated time frame. Thereafter, the respondent vide proceedings dated 27.04.2012 rejected the petitioner's request on the ground that Section 23 of the Tamil Nadu Patta Pass Book Act, 1983 envisages issue of patta pass book to every owner in respect of the house site owned by him, whereas, the land for which patta is claimed by the petitioner is owned by one Krishnammal and there is no conveyance from the said Krishnammal to and in favour of the writ petitioner. The petitioner is not owner of the land and hence, he cannot press into service the provisions of Section 23 of the Tamil Nadu Patta Pass Book Act. Challenging the said proceedings, the petitioner has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner is entitled to get possessory patta even if he do not have title deed, however, the respondent mechanically rejected the request of the petitioner.

6.This Court perused the impugned order. The impugned order reveals that one Krishnammal is the owner of the property. Without her consent, claiming patta under Section 23 of the Tamil Nadu Patta Pass Book Act is un-sustainable one. Hence, I do not find any merit in the writ petition.

7.The writ petition is accordingly dismissed. However, the petitioner is at liberty to work out the remedy in the manner known to law before the competent Civil Court. No costs.

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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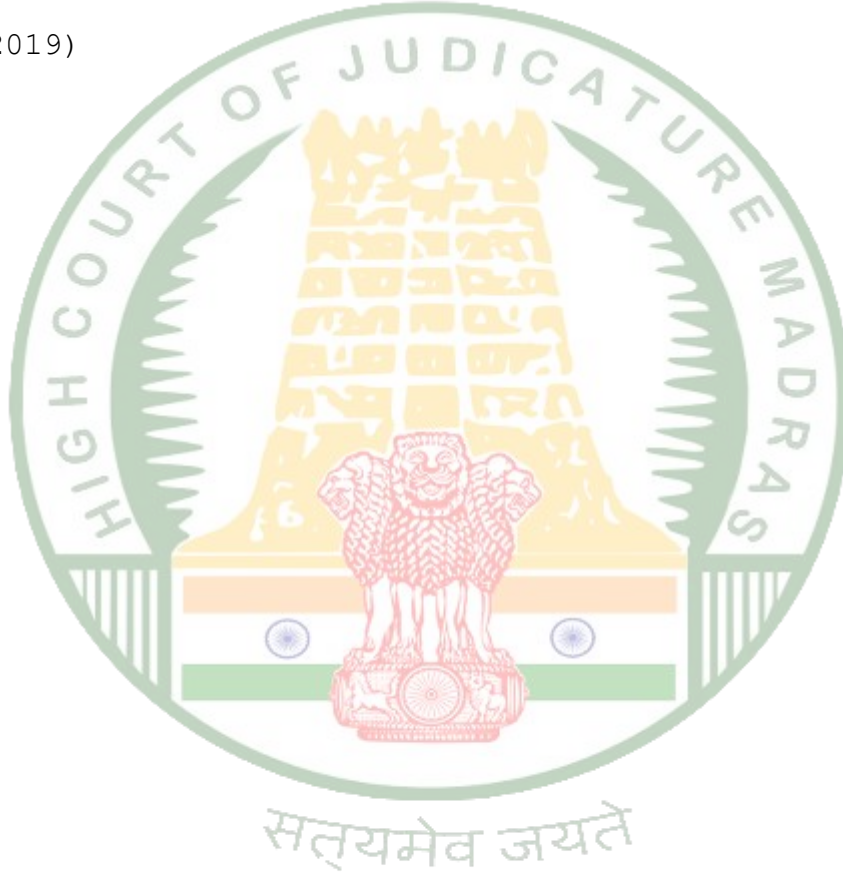
To

The Tahsildar
Purasaiwalkam - Perambur Taluk,
Perambur,
Chennai - 11.

+1cc to Mr.P.Rathanavel, Advocate, S.R.No. 96925
+1cc to the Government Pleader, S.R.No. 97112

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NMI (CO)
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