

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.9590 of 2019

Attur Anna Nagar Kudiyiruppor Nala Sangam,
No.451, Anna Nagar, Attur - 636102,
Salem District, Represented by its President,
R.Duraisamy

...Petitioner

Vs.

1. The District Adi Dravidar Welfare Officer,
Salem District, Salem.
2. The Tahsildar,
Attur Taluk,
Salem District.
3. The Special Tahsildar,
Attur Taluk,
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to pass orders on the proposal forwarded by the 3rd respondent for grant of regular patta in favour of the Members of the petitioner Association in respect of house site and building belong to the individual members respectively, comprised in S.No.486/2 and 486/3A, Attur Town and Taluk, Salem District developed as Residential Colony in the name of Anna Nagar Therku Kadu, Attur Taluk.

For Petitioner : Mr.K.H.Ravikumar
For Respondents: Mr.SN Parthasarathy
Government Advocate

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the 1st and 2nd respondents to pass orders on the proposal forwarded by the 3rd respondent for grant of regular patta in favour of the Members of the petitioner Association in respect of house site and building belonging to the individual members respectively, comprised in S.No.486/2 and 486/3A, Attur Town and Taluk, Salem District, developed as Residential Colony in the name of Anna Nagar Therku Kadu, Attur Taluk.

3. Heard both sides.

4. The members of the petitioner-Association are said to be the owners of the residential house sites in Anna Nagar, Attur, Salem District. They seek for grant of patta in respect of their respective house sites.

5. It is seen that the very same writ petitioner approached this Court and filed the writ petition in W.P.No.27248 of 2017, seeking for a direction to the Revenue Officials to consider their representation for grant of regular patta. It is further seen that the said writ petition was disposed of on 24.10.2017 as follows:-

4. It is seen that the members of the petitioner association numbering about 39 have made an application individually on 12.09.2016 seeking for grant of patta in respect of their respective properties. The grievance of the petitioner association is that those applications filed by the members have not been considered so far even though the Revenue Divisional Officer namely, the 1st respondent has already directed the 3rd respondent to consider those applications and pass orders on the same. A perusal of the proceedings issued by the 1st respondent have made their application on 12.09.2016 for grant of patta. Therefore, it is for the 2nd and 3rd respondents to consider those applications and pass orders on the same on merits and in accordance with law after giving due opportunity of hearing to those members of the petitioner Association as well as the other interested persons, if any. Such exercise shall be done by the 2nd and 3rd respondents within a period of three months from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

6. It is further seen that in pursuant to the order passed by this Court, the 3rd respondent herein, through proceedings dated 02.08.2018, addressed the 1st respondent and made

recommendation for grant of patta in favour of the members of petitioner-Association, after making some reclassification. It is further seen that in pursuant to the said communication issued by the 3rd respondent, now, the matter is pending before the 1st respondent.

7. Needless to say that when this Court has already passed the order as early as on 24.10.2017 as stated supra, that too, by fixing the time frame, the respondents are not justified in keeping the matter pending even after a period of nearly two years. Therefore, the 1st respondent is directed to pass appropriate orders in respect of the subject matter in issue and communicate the same to the individual members within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The District Adi Dravidar Welfare Officer,
Salem District, Salem.
2. The Tahsildar,
Attur Taluk,
Salem District.
3. The Special Tahsildar,
Attur Taluk,
Salem District.

+1cc to Mr.K.H.Ravikumar, Advocate, S.R.No.30972
+1cc to the Government Pleader, S.R.No.31618

W.P.No.9590 of 2019

RR(CO)
CS/15/05/2019