

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.24145 of 2019

M/s.J.G.Jewels (P) Ltd.,
Rep.by its Director,
Mr.Ashok Kumar

.. Petitioner

/versus/

1.The Sub Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Office of the Sub Collector,
Thiruvallur.

3.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

4.Indian Bank,
ARM Branch,
Circle Office Buildings,
No.55, Ethiraj Salai, Egmore,
Chennai 600 008
Rep.by its Authorised Officer.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner, more particularly the representation dated 11.06.2018 and the reminder dated 04.07.2019 for issuing patta in respect of 2.90 acres of vacant land in Survey No.565/2 of Papparambakkam Village, Thiruvallur Taluk in favour of the petitioner.

For petitioner : Mr.N.Anbazhagan
For Respondents : Mr.J.Purushothaman,
GA for R1 to R3

O R D E R

The petitioner seeks direction to the respondents 1 to 3 to consider his representation dated 11.06.2018 followed by the reminder dated 04.07.2019 for issuing patta in respect of the land in Survey No.565/2 to an extent of 2.90 acres in Papparambakkam Village, Thiruvallur Taluk.

2. The 2nd respondent has filed a status report, wherein it is stated that on receipt of the representation made by the petitioner herein, the same was forwarded to the 3rd respondent, who has started preliminary enquiry through Revenue Inspector and Village Administrative Officer to find out the ground reality. The 3rd respondent has submitted preliminary report as below:-

"4.It is submitted that the land in S.No.565/2 measuring 2.90 acres of Papparambakkam Village was originally owned by T.K.Ramachandran as per Doc.No.4212 of 1964 dt 29.12.1964. It is revealed that the said Ramachandran stood as guarantor of the Loan facilities availed by M/S.HAZINA Chemicals and offered the above said property as Collateral Security in favour of Indian Bank, Chennai and said mortgage was created on 02.01.1991. Since, the loan amount was not repaid by the borrower the bank initiated recovery proceedings against the said T.K.Ramachandran before the Recovery Tribunal

5.It is submitted that the sale of said property was rodered and in the auction sale the writ petitioner was declared as successful bidder and auction purchaser. The sale certificate issued in favour of him, has been registered in Doc.No.852 of 2011 dt 02.03.2011 at Sub Registrar's Officer, Manavala Nagar.

6.It is submitted that after demise of T.K.Ramachandran, his legal heirs have registered as Power of Attorney in favour of Singamuthu. The said Singamuthy converted the said land into house site plots and sold to various persons started from the year 2005. These transactions went on upto 26.09.2006

as seen from the Encumbrance details of the Sub-Registrar, Manavalanagar. The purchasers have also got pattas registered in their names on the basis of sale documents. These transactions have been occurred prior to the recovery proceedings initiated by the Indian Bank i.e,during the year of 2005-2006."

The legal heirs of T.K.Ramachandran have sold the property for the numerous third person, which took place prior to the initiation of the recovery proceedings and registration of sale certificate of the bank authorities. They were not aware of the Court attachment order and pending recovery proceedings. It is stated by the 2nd respondent that the merits and demerits of the representation has to be ascertained after detailed enquiry. Therefore, three months time is required for enquiry and pass orders.

3. Recording the submission of the 2nd respondent stated in the status report, this writ petition is disposed of with a direction to the 2nd respondent to complete the enquiry within a period of three months from today after affording an opportunity to the parties and pass appropriate orders in accordance with law. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Sub Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Office of the Sub Collector,
Thiruvallur.
- 3.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

4.Indian Bank,
ARM Branch,
Circle Office Buildings,
No.55, Ethiraj Salai, Egmore,
Chennai 600 008

+1cc to Government Pleader SR.NO. 96027
+1cc to Mr.N.Anbazzhagan, Advocate sr.96304

W.P.No.24145 of 2019

rsi(co)
nr 18/12/2019