

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2020

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31648 of 2015
and M.P.No.1 of 2015

T. Kavitha

...Petitioner

-vs-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.
 2. The District Collector,
Kancheepuram District,
Kancheepuram.
 3. The Tahsildar,
Alandur Taluk, Alandur.
 4. The Settlement Tahsildar,
Alandur Town, Alandur.
 5. The Town Surveyor,
Alandur Taluk, Alandur.
 6. The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Padapai - 601 301,
Kancheepuram District.
- ... Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 3 to 5 to implement the order passed by the Assistant Settlement Officer, Thiruvannamalai Mu. Mu. 803/2000 dated 21.7.2000 and to grant patta in the name of the petitioner in respect of Plot No.6, 5th Street, Jeevan Nagar, in Survey No.104/1 Town Survey No.2 of Adambakkam Village, Saidapet Taluk, Kancheepuram District.

For Petitioner : Mr. R. Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents: Mrs. A. Sri Jayanthi
Special Govt. Pleader

ORDER

Heard Mr.R. Suresh Kumar, learned counsel for petitioner and Mrs.A. Sri Jayanthi, learned Special Government Pleader for respondents.

2. With consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. This writ petition has been filed seeking for issuance of a writ of mandamus, to direct the respondents 3 to 5 to implement the order passed by the Assistant Settlement Officer, Thiruvannamalai dated 21.07.2000 and to grant patta in the name of the petitioner in respect of Plot No.6, 5th Street, Jeevan Nagar, in Survey No.104/1 Town Survey No.2 of Adambakkam Village, Saidapet Taluk, Kancheepuram District.

4. The learned counsel for the petitioner submitted that identical prayer was considered by this Court in W.P.No.7062 of 2011 and the writ petition was disposed of by order dated 19.06.2013 by issuing a direction to the Tahsildar, Alandur to consider the representation of the petitioner. However, the petitioner was also directed to enclose all the relevant documents.

5. The learned counsel for the petitioner submitted that the Tahsildar rejected the application for grant of patta by a non-speaking order and challenging the same, the petitioner therein Mr.S.K. Balasundaram filed an appeal before the District Revenue Officer and the same is pending.

6. Since similarly placed person has not been granted any relief by the Tahsildar and the appeal filed by Mr.S.K. Balasundaram before the District Revenue Officer is pending, the petitioner's case may also be considered by the 3rd respondent based on the outcome of the aforesaid appeal.

7. Thus, this writ petition is disposed of by directing the petitioner to give fresh representation along with a copy of the earlier representation and enclosing all relevant documents in respect of their claim and this application be presented in person in the office of the 3rd respondent and a copy of this order shall also be enclosed. On receipt of such representation, the 3rd respondent shall ascertain as to the outcome of the appeal filed by Mr.S.K.Balasundaram and based on the order passed by the District Revenue Officer, the

representation given by the petitioner shall also be considered.

8. In any event, the matter is still pending before the District Revenue Officer, the 3rd respondent shall await for the orders from the District Revenue Officer concerned. If in the case of Mr.S.K.Balasundaram, orders have already been passed by the District Revenue Officer, following the same the 3rd respondent shall pass orders within a period of eight(8) weeks from the date on which, the relevant information is received from the office of the District Revenue Officer.

With the above observations, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. The Tahsildar,
Alandur Taluk, Alandur.

4. The Settlement Tahsildar,
Alandur Town, Alandur.

5. The Town Surveyor,
Alandur Taluk, Alandur.

6. The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Padapai - 601 301,
Kancheepuram District.

+1cc to M/s.K.M.Vijayan Associates, SR.14791

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SVI (CO)
CB(09/03/2020)