

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.38382 of 2016

K.Kasturi Bai

... Petitioner

Vs.

1.The District Collector,
Chennai District, Chennai.

2.The Tahsildar,
Mylapore / Triplicane Taluk Office,
Chennai - 600 028.

3.The Tahsildar,
Velachery Taluk Office,
Velachery, Chennai - 600 042.

4.The Assistant Director,
Land Survey Record Department,
Chennai - 600 001.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 & 2 to issue a patta in favour of the petitioner pertaining to Old No.23, New No.32, Pillayar Kovil Street, Kalikundram, Chennai - 600 113 comprised in Town Survey No.4/1, Old Survey No.80/Part, Kalikundram Village, Mylapore - Triplicane Taluk measuring an extent of 1200 sq.ft based on the recommendation order issued by the 4th respondent in proceedings Na.Ka.E1.No.2149/2009 dated 22.03.2010.

For Petitioner : Mr.T.Ramachandran
For Respondents : Ms.A.Madhumathi,
Special Government Pleader

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 & 2 to issue a patta in favour of the petitioner pertaining to Old No.23, New No.32, Pillayar Kovil Street, Kalikundram, Chennai - 600 113 comprised in Town Survey No.4/1, Old Survey No.80/Part, Kalikundram Village, Mylapore - Triplicane Taluk measuring an extent of 1200 sq.ft based on the recommendation order issued by the 4th respondent in proceedings dated 22.03.2010.

2.Mr.T.Ramachandran, learned counsel appearing for the petitioner submitted that the petitioner is in possession of the property in question, enjoying the same for several years and therefore, patta should be issued in favour of the petitioner in respect of the land in occupation of the petitioner. Further, the learned counsel submitted that the land in question in T.S.No.4/1 has been classified as Government Poramboke in the revenue records.

3.The 3rd respondent filed a counter wherein it has been specifically

stated in paragraph nos.4 & 6 that T.S.No.4/1 is a Government Poramboke and in the remarks column it has been mentioned that 52 residents are in occupation of the same. So far as T.S.No.4/2 is concerned, in the remarks column, it has been mentioned that Ishta Sithi Vinayagar Temple is situated.

4.The learned counsel for the petitioner submitted that the petitioner is not concerned about T.S.No.4/2 where the Temple is situated and the petitioner is concerned only about T.S.No.4/1 where she is residing by constructing a house for several years.

5.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents submitted that since the petitioner is not claiming any patta in respect of T.S.No.4/2, in the case of the petitioner submitting a fresh application seeking for issuance of patta in respect of the land in T.S.No.4/1, the same would be considered by the 3rd respondent.

6.The learned counsel for the petitioner submitted that the petitioner would give a fresh application seeking for issuance of patta in respect of the land in her occupation in T.S.No.4/1 within a period of two

weeks with all the relevant documents to establish that the petitioner is in occupation and enjoyment of the land in question.

7.In view of the submissions made by the learned counsel on either side, I grant two weeks time for the petitioner to submit her application for issuance of patta in respect of the land in her occupation in T.S.No.4/1 and on receipt of the same, the 3rd respondent is directed to consider the petitioner's application and pass orders, on merits and in accordance with law, within a period of sixteen (16) weeks from the date of submission of the application.

8.With these observations, the Writ Petition is disposed of. No costs.

Index : Yes/No
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To

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- 4.The Assistant Director,
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Chennai - 600 001.

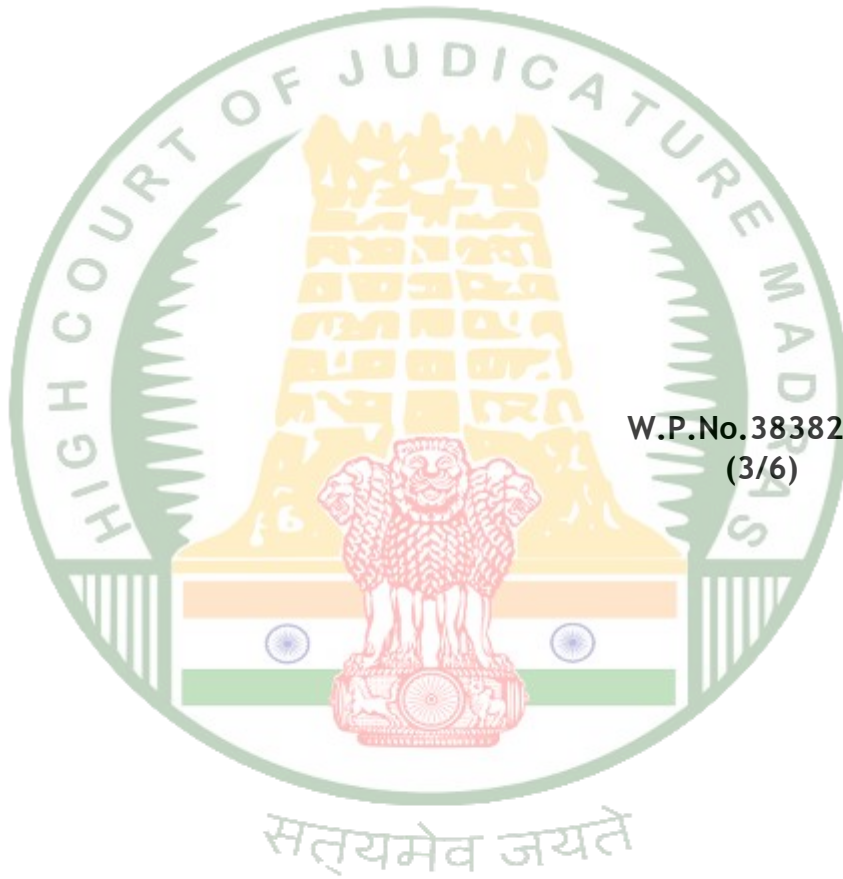


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M. DURAISWAMY, J.

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