

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16390 of 2018

Mr.B.Govindaraj,
S/o.Late S.R.Bakthavachalu.

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Singaravelar Maligai, Chennai.

2.The Divisional Revenue Officer,
Chennai District,
O/o.The District Collector,
Singaravelar Maligai, Chennai.

3.The Tahsildar,
Velachery Taluk,
Velacherry, Chennai 600 042.

4.Mr.B.Ramachandran @ Sreeraj,

5.Mrs.Shreekala

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Ref.No.Na.Ka.No.J2/18736/2015 dated 18.05.2018 and quash the same and directing the respondents 1 to 3 to issue the patta for the property bearing Survey No.650/2Part and 651/1Part of Velacherry Village, 10th Cross Street, Srikrishnanagar, Velacherry, Chennai 600 042, Velachery Taluk & Chennai District in the name of the petitioner.

For Petitioner : Mr.K.Balaji

For RR1 to 3 : Mr.Annai Ezhil,
Government Advocate.

For RR4 & 5 : Mr.S.Srinivasan

O R D E R

This writ petition has been filed challenging the order passed by the second respondent and for a consequential direction to the respondents to issue patta to the petitioner with regard to the subject property.

2. On going through the impugned order passed by the second respondent, it is seen that the second respondent has not gone into the merits of the case and the application made by the petitioner seeking for patta has been rejected merely on the ground that a suit is pending before this Court in C.S.No.289 of 2006 between the petitioner and respondents 4 and 5.

3. The learned counsel for the petitioner submitted that the suit filed before this Court in C.S.No.289 of 2006 has been dismissed for default on 05.12.2018 and the same has not been restored till date. The learned counsel therefore submitted that the second respondent can be directed to independently consider the application made by the petitioner after affording opportunity to all the parties concerned.

4. The learned counsel appearing on behalf of the contesting respondents viz., respondents 4 and 5 submitted that the petitioner is not entitled for a patta since respondents 4 and 5 are the owners of the property. The learned counsel submitted that if in the event of this Court interfering with the order passed by the second respondent, the second respondent can be directed to issue notice to all the interested parties and some time frame can be fixed for passing of the final orders. The learned counsel further submitted that the parties must be permitted to submit all the relevant documents before taking any final decision.

5. Heard Mr. Annai Ezhil, learned Government Advocate appearing on behalf of respondents 1 to 3.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. A careful reading of the impugned order shows that the second respondent had not gone into the merits of the case and the application submitted by the petitioner has been rejected merely on the ground that a suit is pending on the file of this Court in C.S.No.289 of 2006. Now, the suit has been dismissed on 05.12.2018 and this Court deems it fit to remand the matter back to the file of the second respondent to consider the claim of the parties on merits. Accordingly, the impugned order passed by the second respondent in his proceedings dated 18.05.2018 is hereby quashed.

8.The second respondent is directed to issue fresh notice to the petitioner and respondents 4 and 5 and fix a date for enquiry. The second respondent shall permit the parties to submit the documents relied upon by them and also shall hear them before passing any final orders. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

9.Accordingly, this writ petition is allowed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector,
Chennai District,
Singaravelar Maligai, Chennai.
- 2.The Divisional Revenue Officer,
Chennai District,
O/o.The District Collector,
Singaravelar Maligai, Chennai.
- 3.The Tahsildar,
Velachery Taluk,
Velacherry, Chennai 600 042.

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VGII(CO)
SP(03/09/2020)

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