

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.1.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.2840 OF 2017

C.P.Hariharan

...Petitioner

Vs

1. The District Collector, Tiruvallur District, Collectorate Complex, Tirutani Road, Tiruvallur-1.
2. The District Revenue Officer, Collectorate Complex, Tiruvallur-1.
3. The Tahsildar, Avadi Taluk, Avadi, Chennai-54.
4. The Principal Secretary, Government of Tamil Nadu, Revenue Department, Fort St George, Chennai-9.

...Respondents

Prayer:-

Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 20.6.2016 and to direct the 1st respondent to issue a patta for the petitioner's property bearing S.No.716/1(part), Paruthipattu Village, Avadi Taluk, Tiruvallur District measuring an extent of 20 cents, door No.128/1, N.M.Road, Avadi, Chennai-54 with a reasonable time.

For Petitioner : Mr.M.Madhu Prakash

For Respondents : Mrs.A.Sri Jayanthi,
Special Government Pleader

ORDER

I have heard Mr.M.Madhu Prakash, learned counsel for the petitioner and Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition to direct the first respondent to consider his representation dated 20.6.2016 and grant patta in respect of the property bearing S.No.716/1 (part), Paruthipattu Village, Avadi Taluk, Tiruvallur District measuring an extent of 20 cents, door No.128/1, N.M.Road, Avadi, Chennai-54.

3. This is the second time the petitioner has approached this Court for an identical relief. Earlier, the petitioner filed W.P.No.7012 of 2012 praying for a direction to dispose of his application dated 16.7.2010 for grant of patta in respect of the very same property. The said writ petition was disposed of by order dated 31.8.2012 directing the first respondent to take action on the representation. It appears that the petitioner did not follow up the matter thereafter as he was stated to have gone abroad to visit his children. Further, he nominated a power agent, who appeared to have followed up the matter and he had given a representation on behalf of the petitioner dated 20.6.2016. This representation was sent by speed post and was shown to have been received in the office of the first respondent by filing copies of the postal acknowledgment card.

4. The learned Special Government Pleader appearing for the respondents does not have any instructions as to the nature of property.

5. Be that as it may, the petitioner claims that the land in question was purchased by one Mrs.T.Saraswathi Ammal - the mother of the petitioner from one Mr.H.Jokiyam by a sale deed dated 24.4.1948 registered as doc.No. 808 of 1948 on the file of the Sub-Registrar, Poonamallee. The petitioner would state that his mother - the said Mrs.T.Saraswathi Ammal purchased another extent of 5 cents of land in the same survey number from one Mrs.Kuppammal by a sale deed dated 03.7.1950 registered as doc.No.1486 of 1950 on the file of the Sub-Registrar, Poonamallee. The petitioner would further state that his mother obtained building plan approval from the Avadi Township, put up a construction in the property and she was in absolute possession and enjoyment of the property till her life time. The petitioner further claims that he is the only legal heir of his mother, who passed away 02.11.2003. The petitioner also claims to have inherited the property pursuant to a Will dated 22.8.2003 executed by his mother registered as doc. No.125 of 2003 on the file of the Sub-Registrar, Avadi. With these facts, the petitioner would state that in spite of several representations, no patta has been granted to the petitioner.

6. In the typed set of documents, the petitioner, though filed copies of sale deeds dated 24.4.1948 and 03.7.1950, he has not enclosed copies of patta issued in favour of the vendor of

the petitioner's mother. That apart, from the documents filed in the typed set of papers, it is seen that certain charges have been collected as B-memo charges and receipts were issued. Thus, from the materials placed before this Court, it is not clear as to the exact classification of land. The petitioner also failed to obtain copies of A-Register. With these insufficient facts, no positive direction can be issued as sought for by the petitioner. However, this Court is of the view that liberty can be granted to the petitioner to pursue the matter before the concerned Authority by submitting a fresh representation.

7. In the light of the above, while declining to grant any positive direction as sought for by the petitioner, liberty is granted to the petitioner to submit a fresh representation for grant of patta including all relevant documents and more particularly the patta granted in favour of the vendor of the petitioner's mother in support of his claim and if all the documents are produced, the first respondent is directed to consider as to whether the petitioner is entitled for grant of patta and pass a speaking order on merits and in accordance with law within three months from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RS

To

1. The District Collector, Tiruvallur District, Collectorate Complex, Tirutani Road, Tiruvallur-1.
2. The District Revenue Officer, Collectorate Complex, Tiruvallur-1.
3. The Tahsildar, Avadi Taluk, Avadi, Chennai-54.
4. The Principal Secretary, Government of Tamil Nadu, Revenue Department, Fort St George, Chennai-9.

+1cc to the Government Pleader, S.R.No. 7683

WP.No.2840 of 2017

EV(CO)
CS/02/03/2020