



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.NO. 33446 of 2015

K. Rajakumar

S/o. P. Kothandaraman

...Petitioner

Vs.

The Tahsildar

Uthiramerur Taluk Office

Uthiramerur

Kancheepuram District

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent under reference Na.Ka.2681/2015/A2 dated 07.08.2015 and quash the same and further direct the respondent to receive all the original documents in respect of the subject matter of property and to issue patta to the petitioner.

For Petitioner : Mr. M. Rajasekhar

For Respondent : Mr. Richardson Wilson
Government Counsel.

ORDER

The prayer sought for herein is for the issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent under reference Na.Ka.2681/2015/A2 dated 07.08.2015 and quash the same and further direct the respondent to receive all the original documents in respect of the subject matter of property and to issue patta to the petitioner.

2. With regard to the plea of the petitioner to get the patta for various lands at Survey Nos.490/8, 491/8, 491/9, 491/10, 492/9, 493/1 and 491/9 to an extent of 1.31 cents at Karuveppampoondi Village, Uthiramerur Taluk, Kancheepuram District, it seems that the petitioner had given an application to the respondent. Since the same was not considered, he approached this Court and got a direction from this Court dated 11.03.2015 in W.P. No.6707/2015, to consider the said request of the petitioner dated 16.02.2015 and pass orders therein on merits and in accordance with law.



3. Pursuant to the said order, the respondent, on 06.07.2015, had issued a notice to the petitioner to produce the original documents, which includes the original Will, in support of the claim of the petitioner to seek the patta for the said land. According to the respondent, since the said notice dated 06.07.2015 having been served on the petitioner and the petitioner had not responded within the time stipulated therein, therefore, for want of the original documents to be produced by the petitioner for verification purpose, the plea of the petitioner had been rejected through the impugned order dated 07.08.2015. Challenging the same, the present Writ Petition has been filed.

4. I have heard Mr. M. Rajasekhar, learned counsel appearing for the petitioner, who would submit that the petitioner was ready and willing to produce all the original documents as sought for by the respondent through the said notice dated 06.07.2015, but, because of the communication gap when the same could not be achieved immediately and in the meanwhile, since the respondents passed the impugned order dated 07.08.2015, thereby the valuable right of the petitioner to get the patta for the said land, which according to the petitioner belongs to him, is defeated. Having no other option, challenging the order dated 07.08.2015 of the respondent/Tahsildar, the present Writ Petition has been filed. Therefore, the learned counsel for the petitioner seeks indulgence of this Court against the impugned order by remitting the matter back to the respondent for reconsideration where the petitioner would be ready and willing to produce all the documents in original sought for by the respondent.

5. I have heard Mr. Richardson Wilson, learned counsel appearing for the respondent, who would submit that, pursuant to the earlier order passed by this Court, enquiry was proposed with regard to the plea raised by the petitioner for getting the patta. In order to verify the said plea, to substantiate the claim made by the petitioner, the original documents, quoted by the petitioner, were required and when that was sought for through the notice dated 06.07.2015, having received the said notice, the petitioner since has not responded, the respondent has no other option except to reject the claim of the petitioner. That is how the impugned order was passed on 07.08.2015. He would also submit that when the petitioner fairly undertakes to produce the documents in original sought for by the respondent, the matter can be remitted back to the respondent for reconsideration, fixing a time frame to the petitioner to produce the said documents and on production of the same, after considering the said documents, needful can be done on merits and in accordance with law within a time frame as fixed by this Court.



6. I have considered the submissions of the learned counsel appearing on both sides and perused the materials placed on record and the said stand taken by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondent.

7. This Court feels that, the subject matter concluded in the impugned order can be remitted back to the respondent for reconsideration with a direction to the petitioner to produce the original documents sought for by the respondent within a time frame and on receipt of the same, needful can be done by the respondent for evaluating the claim made by the petitioner by verifying the documents to be submitted in this matter.

8. Accordingly, this Writ Petition is disposed of with the following order.

(i) The impugned order is quashed.

(ii) The matter is remitted back to the respondent for reconsideration. While reconsidering the same, the petitioner shall produce the documents which were required to be produced by the office of the respondent through its summons dated 06.07.2015, in original, within a period of three(3) weeks from the date of receipt of a copy of this order and on receipt of those documents, after considering the veracity of the same, the respondent shall pass orders on the plea regarding grant of patta to the said land within a period of six(6) weeks.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Bga

Copy to

The Tahsildar
Uthiramerur Taluk Office
Uthiramerur
Kancheepuram District

+1cc to M/s.Raja Sekhar, Advocate, S.R.No.34251
+1cc to the Government Pleader, S.R.No.34992

W.P. NO.33446 of 2015

AK (CO)
B.VC (18/08/2021)