

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.12250 of 2021

And

WMP No.13023 of 2021

Pratap K.Moturi

..Petitioner

vs.

The Tahsildar,
Poonamallee Taluk,
Poonamallee.

..Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to consider the petitioner's application for grant of patta dated 22.04.2021 for the property situated at Puliyanbedu Village, Numbal Madura comprised in Survey No.11/1 and 11/2, Poonamallee Taluk, Thiruvallur District measuring 4 acres.

For Petitioner : Mr.J.Pothi Raj for
Mr.A.S.Balaji.

For Respondent : Dr.S.Suriya,
Government of Tamil Nadu
(Civil Side)

सत्यमेव जयते
O R D E R

A direction is sought for to consider the application submitted by the writ petitioner for grant of patta on 22.04.2021 for the property situated at Puliyanbedu Village, Numbal Maddura comprised in Survey No.11/1 and 11/2, Poonamallee Taluk, Thiruvallur District measuring 4 acres.

2. The petitioner states that his father executed a Will on 20.05.1983.

3. Pursuant to the Will, the petitioner filed OP No.761 of 2004 before the High Court for issuance of Letters of Administration. There was an objection for grant of Letters of

Administration and thus, the Original Petition was converted into TOS No.73 of 2013. The said TOS was allowed by the High Court on 30.01.2018 and OSA No.19 of 2019 was filed. The said OSA No.19 of 2019 was dismissed on 17.02.2020.

4. Based on the judgments, the Deputy Inspector General of Registration by proceedings dated 17.02.2021, directed the Sub Registrar, Kundrathur to lodge a police complaint against the persons created fabricated documents and a police complaint was also lodged accordingly. Under these circumstances, the petitioner filed an application for grant of patta on 22.04.2021, which is yet to be considered.

5. Patta Pass Book is to be granted by following the procedures contemplated under the Tamil Nadu Patta Pass Book Act, 1983. The owner of the property may file an application for grant of Patta Pass Book and the Authority Competent for issuance of Patta Pass Book is the Tahsildar under Section 3 of the said Act.

6. On receipt of the application, the Tahsildar, having jurisdiction, is empowered to deal with the application by conducting an enquiry by affording opportunity to all the parties concerned.

7. In the event of any dispute, then the parties must be directed to resolve the dispute through the competent Civil Court of Law.

8. In the present case, the learned counsel for the petitioner states that the Original Petition, which was converted as TOS No.73 of 2013, was allowed by the High Court and the OSA filed by the opposite parties was dismissed. Therefore, all these documents are to be considered by the authorities concerned and appropriate actions are to be initiated.

9. It is made clear that an enquiry is to be conducted with reference to the documents to be produced by the parties concerned and the ownership is to be ascertained and thereafter, the application is to be disposed of in accordance with the provisions of the Patta Pass Book Act, 1983.

10. This being the procedures contemplated under the Act, the respondent is directed to look into the application submitted by the writ petitioner on 22.04.2021 and initiate action as expeditiously as possible.

11. The application, filed seeking patta, is to be disposed of at the earliest possible, in order to avoid

inconvenience to the owners of the property and an enquiry is to be conducted by affording opportunity to all the parties concerned. Thus, the application submitted by the writ petitioner is also to be considered in the order of seniority and the same is to be disposed of as expeditiously as possible.

12. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

Svn
To

The Tahsildar,
Poonamallee Taluk,
Poonamallee

+1 CC to Mr.J. Pothiraj, advocate sr 27634.
+1 CC to The Government Pleader sr 27622.

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EV(CO)
SP(13/07/2021)



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