



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.13925 of 2019

[Video Conferencing]

Mohan Babu

... Petitioner

Versus

1.The District Revenue Officer
Collectorate, Thiruvallur District.

2.The Revenue Divisional Officer
Thiruttani, Thiruvallur District.

3.The Thasildhar
R.K.Pet Taluk
Tiruvallur District.

[amended as per order dated 06.08.19 by PDAJ in WMP.No.
22637/2019 in W.P.No. 13925/19]

... Respondents

PRAYER : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third respondent to issue patta in the name of the petitioner in respect of Venugopalapuram Village, S.No. 79/14, 0.2.5 hectors, 79/15, 0.44.0 hectors, total extent 0.86.5 hectors at Pallipattu Taluk, Thiruvallur District.

For Petitioner : Mr. P.Ganapathy

For Respondents : Mr.K.M.D. Muhilan
Government Advocate



ORDER

This Writ Petition has been filed seeking a direction to the third respondent, the Thasildhar, R.K.Pet Taluk, Tiruvallur District, to issue patta to the petitioner with respect to the lands in S.No. 79/14 measuring 0.25 hectares and in S.No. 79/15 measuring 0.86.5 hectares at Venugopalapuram Village in Pallipattu Taluk, Thiruvallur District.

2. The petitioner had instituted a suit in O.S.No. 15 of 2004 on the file of the District Munsif at Pallipattu against B.Sampath, son of Balu Mudaliar, seeking declaration of title and permanent injunction restraining the defendant from interfering with peaceful possession. The suit was dismissed by the District Munsif Court by Judgment dated 31.01.2007. Thereafter, the petitioner filed an Appeal which came up before the Sub Court at Tiruttani and by Judgment dated 18.07.2011, the said Appeal in A.S.No. 15 of 2010 originally filed as A.S.No. 90 of 2007 before the Sub Court at Tiruttani was allowed and the petitioner's title was declared and permanent injunction was also granted to the petitioner restraining the defendant from interfering with peaceful possession. Based on the said decree, the petitioner had filed an application seeking grant of patta.

3. A counter had been filed by the third respondent wherein it had been stated that the lands are still in possession of the legal heirs of Balu Mudaliar and that the petitioner is not in possession and that the petitioner should file an Execution Petition to take possession. It is stated that patta had not been granted since the petitioner was not in possession.

4. By order dated 06.08.2019, a learned Single Judge of this Court had directed the petitioner to give a fresh representation and accordingly on 08.08.2019 the petitioner had given a fresh representation to the Tahsildar, R.K.Pet Taluk, Tiruvallur District.

5. It would only appropriate that the Thasildhar is directed to act on the said representation but however an obligation is placed on the petitioner herein to produce a fresh copy of the said representation directly to Thasildhar, R.K.Pet Taluk, Tiruvallur District.

6. The third respondent/Tahsildar, may satisfy himself about the possession of the lands and make necessary enquiries with the petitioner and also with legal heirs of Balu Mudaliar and examine the records and thereafter pass necessary orders on the said representation. The Tahsildar may also endeavour to complete the entire exercise within a period of 16 weeks from the date when the petitioner gives a fresh copy of the



representation dated 08.08.2019 directly in person to the third respondent/Tahsildar.

7. With the above said direction, this Writ Petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Vsg

To

1.The District Revenue Officer
Collectorate, Thiruvallur District.

2.The Revenue Divisional Officer
Thiruttani, Thiruvallur District.

3.The Thasildhar
R.K.Pet Taluk
Tiruvallur District.

+1cc to Government Pleader Sr No.40418

WP.No.13925 of 2019

NR (CO)
PR (27/08/2021)