



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15336 of 2021

E.Anandan

... Petitioner

Vs.

1.The Collector,
Office of the Collectorate,
Chengalpattu- 603 001.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional office,
Chengalpattu - 603 001

3.The Tahsildar,
Office of the Tahsildar,
Chengalpattu.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent passed through E-mail vide application 2020/0105/03/288301 dated 26.06.2021 and to quash the same and consequently direct the Respondent to consider the Petitioner's on-line application vide No. 2020/0105/03/288301 for issuance of Patta in respect of the land situated in S.No.479/2, 488/4C and 553/7B situated No.55 Siruthaur Village, Chengalpattu Taluk, Tirupporur, Kancheepuram District to an extent of 61 ½ cents in the name of the Petitioner and pass appropriate orders accordingly.

For Petitioner : Mr.M. Raja Sekar

For Respondents : Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

The petitioner has filed the present writ petition seeking for Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent herein passed through E-mail vide application 2020/0105/03/288301 dated 26.06.2021 and to quash the same and consequently direct the Respondent to consider the Petitioner's on-line application vide No.



2020/0105/03/288301 for issuance of Patta in respect of the land situated in S.No.479/2, 488/4C and 553/7B situated No.55 Siruthaur Village, Chengalpattu Taluk, Tirupporur, Kancheepuram District to an extent of 61 ½ cents in the name of the Petitioner and pass appropriate orders accordingly.

2.The learned counsel for the petitioner would submit that the petitioner's mother namely Muniammal and his brothers namely E.Singaram, and E.Sankar had executed the release deed to an extent of 61 and ½ cents situated in S.Nos.479/2, 488/4C and 553/7B, No.55 Siruthaur Village, Chengalpattu Taluk, Tirupporur, Kancheepuram District vide registered Document No. 889 of 2019 dated 25.01.2019 on the file of Sub Registrar Office Tirupporur. Subsequent to the release deed, the petitioner is in absolute possession and enjoyment of the same. Further, the petitioner has been paying all necessary tax to the Government without any default. While being so, on 16.09.2020, the petitioner had applied for the issuance of Patta by giving an online application vide No.2020/0105/03/288301 in respect of Property situated in S.Nos 479/2, 488/40 and 553/78B, No.55 Siruthaur Village Chengalpattu Taluk, Tirupporur, Kancheepuram District to an extent of 61 1/5 cents and the same was rejected by the 3rd Respondent on 26.06.2021 without assigning any reasons in the website. However neither reason has been assigned for the rejection of the request of the petitioner for transfer of patta nor the same was served upon me. Hence, the petitioner is left with no other option except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to to call for the records of the 3rd Respondent passed through E-mail vide application 2020/0105/03/288301 dated 26.06.2021 and to quash the same and consequently direct the Respondent to consider the Petitioner's on-line application vide No. 2020/0105/03/288301 for issuance of Patta in respect of the land situated in S.No.479/2, 488/4C and 553/7B situated No.55 Siruthaur Village, Chengalpattu Taluk, Tirupporur, Kancheepuram District to an extent of 61 ½ cents in the name of the Petitioner and pass appropriate orders accordingly.

3. The learned Government Advocate for the respondents would further submit that the petitioner's application has been considered by the authorities concerned thereby he was called for enquiry with regard to issuance of Patta in his name and the same has been completed. However, as the respondents are yet to pass orders on the said enquiry, the respondents may be directed to pass orders within a stipulated period as fixed by this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.



5. Having considered the facts and circumstance of the case and submissions of the learned counsel on either side, it appears that the respondents have conducted an enquiry on the application 2020/0105/03/288301 dated 26.06.2021 submitted by the petitioner herein and the same has already been completed and as remaining exercise is to pass appropriate orders on the said enquiry, the respondents are directed to pass appropriate orders on the enquiry within a period of two months from the date of receipt of copy of this order in accordance with law after affording sufficient opportunity to the petitioner herein. It is made clear that this Court has not expressed any opinion with regard to the merits of claim made by the petitioner herein.

6. With the aforesaid directions, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The Collector,
Office of the Collectorate,
Chengalpattu- 603 001.
2. The Revenue Divisional Officer,
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Chengalpattu - 603 001
3. The Tahsildar,
Office of the Tahsildar,
Chengalpattu.

+1cc to Mr. M. Rajasekhar, Advocate SR. No.48321
+1cc to the Government Pleader SR. No.48630

W.P.No.15336 of 2021

NMI (CO)
PR (10/12/2021)