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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.Nos.15958, 15997 & 16000/2021

[Video Conferencing]

M.Muniyandi	...Petitioner in WP.No.15958/2021
Udhayakumar	...Petitioner in WP.No.15997/2021
M.Narayanan	...Petitioner in WP.No.16000/2021

Versus

1. The Tahsildar
Maduravoyal Taluk
Maduravoyal, Thiruvallur District.

2. Tamil Nadu Housing Board
rep.by its Managing Director,
493, Anna Salai, Nandanam
Chennai 600035.

...Respondents in all WPs

Prayer in WP.No.15958/2021 : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to issue patta for the petitioner property bearing Survey No.284/1A an extent of 2400 sq.ft., situated at Plot No.35 and 36, Vinayagapuram, Nerkundram Village, No.83, Ambattur Taluk, Thiruvallur District without insisting no objection certificate from the 2nd respondent by considering petitioner's representation dated 09.04.2021.

Prayer in WP.No.15997/2021 : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to issue patta for the petitioner property bearing Survey No.284/1A an extent of 600 sq.ft., situated at Plot No.28, Vinayagapuram, Nerkundram Village, Ambattur Taluk, Thiruvallur District without insisting no objection certificate from the 2nd respondent by considering petitioner's representation dated 21.06.2021.

Prayer in WP.No.16000/2021 : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to issue patta for the petitioner property bearing Survey No.284/1A an extent of 1200



sq.ft., situated at Plot No.27, Vinayagapuram, Nerkundram Village, No.100, Ambattur Taluk, Thiruvallur District without insisting no objection certificate from the 2nd respondent by considering petitioner's representation dated 21.06.2021.

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For Petitioners in all WPs	:	Ms.M.Rakhi for Mr.L.Sharadh Kumar
For R1 in all Writ Petitions	:	Mr.Yogesh Kannadasan Government Advocate
For R2 in all Writ Petitions	:	Mr.M.Baskaran Standing counsel

COMMON ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.M.Baskaran, learned Standing counsel accepts notice on behalf of the 2nd respondent.
- (2) IN WP.No.15958/2021, the grievance of the petitioner M.Muniyandi is that he had given a representation on 09.04.2021 and the competent authority to examine such representation is the 1st respondent, viz., the Tahsildar, Maduravoyal Taluk. It is his grievance that the Tahsildar has not taken any action on the representation, either accepting the statements made therein or rejecting it. This has necessitated the writ petitioner to approach this Court by way of filing a writ of mandamus.
- (3) In WP.No.15997/2021, the writ petitioner Udhayakumar, has also been placed on the same footing by giving a representation dated 21.06.2021 again to the Tahsildar, Maduravoyal Taluk. It is the grievance of this writ petitioner that the Tahsildar had not examined the said representation ; but rather has taken pleasure in holding on to it without passing any orders.
- (4) In WP.No.16000/2021 filed by M.Narayanan, the writ petitioner had also given a representation on 21.06.2021 again to the Tahsildar, Maduravoyal Taluk and it is also complained again that the said Tahsildar, had not taken any steps in furtherance of receiving such representation.
- (5) Ms.M.Rakhi, learned counsel appearing for the petitioners drew the attention of this Court to the order passed by a learned Single Judge of this Court dated 01.10.2020 made in WP.No.13702/2020 and it is the contention of the learned



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counsel that the writ petitioners therein are placed on a very similar footing as the writ petitioners in the present writ petitions. There in that case, the learned Single Judge had granted patta. Therefore, it is insisted that this Court should also grant patta to the writ petitioners herein.

- (6) But, I would rather advise caution always on this aspect. The facts will have to be looked into and the nature of the land will have to be examined. These are the prerogatives of the 1st respondent, viz., the Tahsildar, Maduravoyal Taluk and I am confident that the said officer would dispose of all the three representations dated 09.04.2021 ; 21.06.2021 and 21.06.2021 respectively given by M.Muniyandi, Udhayakumar and M.Narayanan. Let the Tahsildar apply his mind, come to subjective satisfaction and pass a detailed order within a period of twelve weeks from the date of receipt of a copy of this order.
- (7) The learned counsel for the petitioners may also enclose a copy of the order in WP.No.13702/2020 and impress upon the Tahsildar, that in very similar circumstances, a learned Single Judge of this Court had directed grant of patta.
- (8) With the above directions, the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Tahsildar
Maduravoyal Taluk
Maduravoyal, Thiruvallur District.
2. Tamil Nadu Housing Board
rep.by its Managing Director,
493, Anna Salai, Nandanam
Chennai 600035.



+2 Ccs to Mr.M.Rakhi, Advocate, Sr.No. 37189, 37187.
+2 Ccs to The Government Pleader, Sr.No. 37700,37716.

WP.Nos.15958, 15997 & 16000/2021

NRL (CO)
LS (31/08/2021)