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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.Nos.16666 & 16668/2021

[Video Conferencing]

K.K.Kandasamy

... Petitioner in WP.No.16668/2021

N.Premkumari

... Petitioner in WP.No.16666/2021

Versus

The Tahsildar
Vandalur Taluk
Vandalur,
Chengalpattu District.

... Respondent in both WPs

Common Prayer : - Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to issue patta for the petitioners' house sites situated in S.No.94/1B, Guduvancherry Village, Vandalur Taluk, Chengalpattu District by disposing the written representations made by the petitioners on 19.03.2021 within a stipulated time as may be fixed by this Court.

For Petitioners in
both WPs

: Mr.C.Prakasam

For Respondent in
both WPs

: Mr.Yogesh Kannadasan
Government Advocate

COMMON ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondent in both the writ petitions.
- (2) Since the writ petitioners have made a common cause in both



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the writ petitions, a common order is passed.

- (3) The writ petitioners are the purchasers of land in adjacent plots measuring about 2486 sq.ft. They purchased the same by a lawful Sale Deeds in the years 1980 and 1995 respectively. They have purchased from one Vajravelu Chettiyar and the learned counsel drew attention of this Court to a judgment of a Division Bench of this Court in WA.No.86/1973 dated 03.03.1975 [K.V.Vajravelu Chettiyar Vs. Kaja Mohideen and Others]. The Division Bench had referred to another judgment of a Learned Single Judge in SA.NO.1393/1973 and had held that if any person shows that he is in lawful possession, then if patta had also been granted, it should be presumed that he is actually in lawful possession of the site. In the instant case, patta is in the name of Vajravelu Chettiyar. The petitioners herein want to obtain loan on the basis of their holding, but unfortunately, they do not have patta and for this purpose, representations have been given on 19.03.2021 by both the writ petitioners and a mandamus is sought, seeking consideration of the said representations in the manner known to law and following due procedure by the respondent/Tahsildar, Vandalur Taluk, Chengalpattu District.
- (4) I would issue a mandamus to the respondent/Tahsildar to consider the said representations and if required, issue notice to the petitioners, examine them, examine the representations, examine the documents to be presented by the petitioners and thereafter, take a considered decision. The respondent may note that there is a binding judgment indicating that the vendor Vajiravelu Chettiyar was in lawful possession and Ryotwari patta had also been granted to him. The said exercise by the respondent should be completed within a period of twelve weeks from the date of receipt of a copy of this order.
- (5) The writ petitions stand disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

AP



To:

The Tahsildar
Vandalur Taluk
Vandalur,
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.40043

WP.Nos.16666 & 16668/2021

PCH (CO)
SU(27/08/2021)