



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO.17738 OF 2021

G. Loganathan

... Petitioner

-Vs-

The Tahsildar,
Office of the Tahsildar
Egmore Taluk,
Egmore, Chennai - 600 031.

... Respondent

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondent to consider the application of the petitioner dated 12.06.2019 for mutation of revenue records in respect of the property bearing Plot No.2A, Alagiri Nagar East, also known as Alagiri Nagar East Street, (earlier known as North Gangai Amman Koil Street) Vadapalani, Chennai - 600 026 comprised in Survey No.36, 34, S.No.122/4, Town Survey No.36/22 as per Patta, Block No.2, situate at Puliur Village, Egmore Taluk, (earlier Egmore-Nungambakkam Taluk) Chennai District, measuring an extent of 1140 sq.ft as per Patta (1200 Sq.ft as per document) in favour of the Petitioner and for issuance of Patta to the petitioner, within a specific time-frame and pass orders accordingly.

For Petitioner	:: Mr.A.R.Sakthivel
For Respondent	:: Mr.Yogesh Kannadasan (Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to consider the application of the petitioner dated 12.06.2019 for mutation of revenue records in respect of the property bearing Plot No.2A, Alagiri Nagar East, also known as Alagiri Nagar East Street, (earlier known as North Gangai Amman Koil Street) Vadapalani, Chennai - 600 026 comprised in Survey No.36, 34, S.No.122/4, Town Survey No.36/22



as per Patta, Block No.2, situate at Puliyur Village, Egmore Taluk, (earlier Egmore-Nungambakkam Taluk) Chennai District, measuring an extent of 1140 sq.ft as per Patta (1200 Sq.ft as per document) in favour of the Petitioner and for issuance of Patta to the petitioner, within a specific time-frame and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the property bearing Plot No.2A, Alagiri Nagar East, also know as Alagiri Nagar East Street, (earlier known as North Gangai Amman Koil Street) Vadapalani, Chennai 600 026 comprised in Town Survey No.36,34, S.No.122/4, Town Survey No.36/22 as per Patta, Block No.2, situate at Puliyur Village, Egmore Taluk, (earlier Egmore-Nungambakkam Taluk), Chennai District, measuring an extent of 1140 Sq.ft. as per patta (1200 Sq.ft. as per document), has been purchased by the petitioner herein from Mr. Elangovan under a sale deed dated 21.02.2007 registered as Document No.643 of 2007 in SRO, Kodambakkam. The patta for the aforesaid property stood in the name of the predecessor-in-title, S.Selvarani, from whom Mr. Elangovan, who is petitioner's vendor had earlier purchased the said property. It was evidenced by the issuance of an Extract from the Town Survey Land Register by the Tahsildar, Egmore-Nungambakkam Taluk, in her favour vide C.A.No.603/87-88 dated 19.01.1988. After purchasing the aforesaid property from the earlier vendor Mr.Elangovan, the petitioner had applied an application before the Tahsildar, Egmore-Nungambakkam Taluk/respondent herein for mutation of revenue records in respect of the said property in his favour and for grant of Patta in his name. Even after a long time, the respondent has not taken any steps to mutate the revenue records in the name of the petitioner in respect of the aforesaid property. Despite repeated representations made in person for mutation of revenue records, the petitioner was informed by the respondent that the application filed by the petitioner could not be found and hence asked him to apply afresh application through online. According to them, the petitioner applied an application through on-line for change of Patta in his name. Thereafter, there has been no response from the respondent as to the mutation of revenue records in the name of the petitioner. Hence, the petitioner had approached the respondent in person several times in this regard. But the application remains without any process and unconsidered status.

3. It has been further submitted that in view of the act of omission on the part of the respondent and inordinate delay for mutation of revenue records, the petitioner filed a Writ Petition in W.P. No.13323 of 2020 before this Court for issuance of a Writ of Mandamus, directing the respondent to consider the application dated 12.06.2019 filed by the petitioner herein within a specific time frame. During the hearing in the said



Writ petition, the learned Government Advocate submitted that the Tahsildar, Avadi was the appropriate and competent authority to consider the application dated 12.06.2019 filed by the petitioner herein. Based on his submission, this Hon'ble Court was pleased to issue an order dated 28.09.2020, directing the petitioner herein to submit an application afresh before the Tahsildar, Avadi along with all the relevant documents and further directing the Tahsildar, Avadi, to consider the said application and pass appropriate orders within a period of six weeks from the date of submission of the application. Pursuant to the aforesaid order of this Court, the petitioner submitted an Application dated 20.11.2020 to the Tahsildar, Avadi, along with the order dated 28.09.2020 passed by this Hon'ble Court and relevant documents of the said property for issuance of Patta in his favour. After submitting the application dated 20.11.2020, the petitioner approached the Tahsildar, Avadi, in this regard, and he was informed that the said application could not be processed since the said property being situated at Puliur Village, Egmore Taluk, would not fall within the jurisdiction of the Tahsildar, Avadi and it would be come within the jurisdiction of Tahsildar, Egmore Taluk. After verification in the Egmore Taluk Office, the same was confirmed that the Tahsildar, Egmore is the appropriate and competent authority to deal with the application for patta in respect of the said property. Under such circumstances, no other alternative than to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India for issuance a Writ of Mandamus directing the respondent to consider the petitioner's application bearing No. 0330206093519 dated 12.06.2019, for mutation of revenue records and for issuance of Patta in the name of the petitioner.

4. The learned Government Advocate would submit that as it has been confirmed by the petitioner herein that the jurisdiction for applying the application for mutation of revenue records for the said property comes under Tahsildar, Egmore, this Court may be pleased to direct the respondent to consider the application dated 12.06.2019 which was already submitted before the respondent.

5. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondent.

6. Having considered the aforesaid facts and circumstances of this case and submissions made by the learned Government Advocate, the respondent is directed to consider the On-line application dated 12.06.2019 vide reference No.0330206093519 within a period of two weeks and pass appropriate orders on the aforesaid application within a period twelve weeks from the date of receipt of copy of this order



7. With the aforesaid directions, this Writ petition is allowed. Consequently, connected miscellaneous petition is closed if any. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lbm

To:

The Tahsildar,
Office of the Tahsildar
Egmore Taluk,
Egmore, Chennai - 600 031.

+2ccs to Mr.A.R.Sakthivel, Advocate, S.R.No.42456
+1cc to the Government Pleader, S.R.No.43083

W.P. No.17738 of 2021

NR(CO)
PM/28/09/2021