



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21926 of 2021

H.Abdul Kareem

...Petitioner

Vs

1. The Tahsildar,
Chengalpet District,
Chengalpet.

2. The District Collector,
Office of the Collectorate,
Chengalpet District.

...Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents herein to issue Patta in Petitioner's name for the property comprised in Survey No.190, Sengundram Village, Maraimalai Nagar, Chengalpattu Taluk, Chengalpattu District, measuring to an extent of 13 cents vacant land and directing the 1st and 2nd respondents to dispose off the petitioner's representation dated 28.08.2021.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents herein to issue Patta in the Petitioner's name for the property comprised in Survey No.190, Sengundram Village, Maraimalai Nagar, Chengalpattu Taluk, Chengalpattu District, measuring to an extent of 13 cents vacant land and directing the 1st and 2nd respondents to dispose of the petitioner's representation dated 28.08.2021.

2. The case of the petitioner is that the petitioner is in possession and enjoyment of the property comprised in Survey No.190, Sengundram Village, Maraimalai Nagar, Chengalpattu



Taluk, Chengalpattu District, measuring to an extent of 13 Cents vacant land which was purchased by him on 24.08.1987 by way of a Registered Doc.No.2374/1987 at S.R.O, Joint Chengalpattu, from one Tmt.Chellammal. When the petitioner approached the 1st respondent for mutation of the revenue records in his name, one Mr.Govindasamy and his relatives who were owning the adjacent land of petitioner's property had objected for issuance of Patta in the petitioner's name and they also attempted to trespass into the petitioner's property. Aggrieved over the same, the petitioner had filed a suit for declaration against the said Govindasamy and others in O.S.No.36/2002, before the District Munisif Court at Chengalpattu, praying for a declaration of title of the suit property and for consequential relief for permanent injunction in anyway interfering into petitioner's peaceful possession and enjoyment of property. The District Munisif Court at Chengalpattu, after full fledged trial, was pleased to pass a Judgment and Decree dated 18.12.2015 in favour of the petitioner stating that the above said property in Survey No.190, to an extent of 13 Cents belongs to petitioner. No appeal has been preferred as against the judgment and the same has reached its finality.

3. The petitioner further averred that upon receiving the judgment from the District Munsif Court at Chengalpattu, he had approached the 1st respondent and submitted an application dated 17.03.2016, enclosing the copy of the parent documents along with judgment and decree passed in O.S.No.36/2002 and requested for issue of Patta in the name of petitioner. The Revenue Divisional Officer, Chengalpattu had carried out an enquiry on 24.03.2016 based on the petitioner's application and by its proceedings in No.ஓ.மு.474/2006/ஆ dated 24.03.2016 directing the 1st respondent to enquire the matter and also by inspecting the said property and to send the Report to the Revenue Divisional Officer for issuance of Patta. Even after lapse of over 5 years, in spite of petitioner's various representations to the 1st respondent's office in person, the 1st respondent did not carry out any spot inspection and failed to submit the report to the Revenue Divisional Officer, Chengalpattu. Due to the inaction of the 1st respondent, the petitioner had sent a detailed representation to the 2nd respondent dated 28.08.2021 directing the 1st respondent to enquire the matter and issue patta in petitioner's name. But they have not taken any steps till date for issuance of the Patta. Being aggrieved by the in action of the 1st and 2nd respondents, the petitioner has approached this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and also perused the materials on record.



5. The learned Government Advocate would submit that already proceedings were initiated by the Revenue District Officer directing the 1st respondent to conduct the enquiry and inspect the property and to send a report to the Revenue Divisional Officer for issuance of patta.

6. Considering the facts and circumstances of the case and also without going into the merits of the case, this Court is inclined to direct the 1st and 2nd respondents to consider the representation of petitioner dated 28.08.2021 and pass orders on merits and in accordance with law within a period of four months from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Chengalpet District,
Chengalpet.
2. The District Collector,
Office of the Collectorate,
Chengalpet District.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.53751
+1cc to the Government Pleader, S.R.No.54237

W.P No.21926 of 2021

VBM[col]
NSK 17/11/2021