

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.12498 of 2017
and W.M.P.No.13289 of 2017

E.Mohana Ammal

...Petitioner

-Vs-

- 1.The Collector
Office of the Collector, Kancheepuram District
Kancheepuram.
- 2.The Revenue Divisional Officer
Chengalpet District, Chengalpet.
- 3.The Tahsildar
Padur Village, Thirupporur
Kancheepuram District.
- 4.Gopala Krishnan
- 5.Govindasamy

....Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to issue patta in petitioner's favour in respect of schedule mentioned property of Housing Lands measuring 3.3/4 in Old Survey No.358/1, New Survey No.652/35 in Kamarajar Street, Padur Village, Kancheepuram District.

For Petitioners in all W.Ps:Mr.S.Ezhil Raj

For Respondents in all W.Ps:Mr.N.Inbanathan

Addl. Govt Pleader-for RR 1 to 3
No appearance -for RR 4 and 5

O R D E R

The prayer sought for here in is for a Writ of Mandamus directing the second respondent to issue patta in petitioner's favour in respect of schedule mentioned property of Housing Lands measuring 3.3/4 cents in Old Survey No.358/1, New Survey No.625/35 in Kamarajar Street, Padur Village, Kancheepuram District.

2. The case of the petitioner is that, she has been residing in a small house constructed at Village Natham Survey No.625/35 at Padur Village, Kancheepuram District (Now Chengalpet District). However, due to cyclone, the small house constructed, where the petitioner claimed to have been residing, was damaged and therefore, in order to have a pucca construction in the land, which is a Natham Survey, where the petitioner has been claiming that, she has been staying for several years, she wanted a patta. Hence, she has given a representation / request to the second respondent on 04.03.2017 along with photographs showing that the small house / hut put up by the petitioner was damaged due to cyclone. However, the said representation since has not been considered by the respondents, especially the second respondent, she has approached this Court by filing this Writ Petition with the aforesaid prayer.

3. Heard Mr.Ezhil Raj, learned counsel for the petitioner, who, after having reiterated the aforesaid facts, seeks the indulgence of this Court to pass suitable orders giving directions to the second respondent to consider the petitioner's representation dated 04.03.2017 on merits and in accordance with law and to pass suitable orders, within a time frame to be stipulated by this Court.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for respondents 1 to 3, who would submit that, it is not only the petitioner claims patta to the land in question, but also respondents 4 and 5 are also making similar claim. Therefore, after conducting enquiry and after verifying the veracity of the petitioner's claim as well as the rival claim made by the respondents 4 and 5, suitable decision would be taken by the second respondent on the representation of the petitioner, within a time frame to be stipulated by this Court.

5. Considering the submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the official respondents and after having gone through the materials placed on record, this Court is inclined to dispose of this writ petition with the following order.

"That there shall be a direction to the second respondent to consider the representation of the petitioner dated 04.03.2017 and decide the same on merits, of course, after giving an opportunity of being heard, to the petitioner as well as respondents 4 and 5 by giving separate notices to them and in this regard, if need arises, spot investigation shall be directed by the second

respondent through the third respondent and after ascertaining the facts, the needful can be done within a time frame of three months from the date of receipt of a copy of this order."

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

- 1.The Collector
Office of the Collector, Kancheepuram District
Kancheepuram.
- 2.The Revenue Divisional Officer
Chengalpet District, Chengalpet.
- 3.The Tahsildar
Padur Village, Thirupporur
Kancheepuram District.

+1 CC to The Government Pleader sr 24990.

W.P.No.12498 of 2017

CA(CO)
SP(05/07/2021)

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