



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33862 of 2019

C.M.Murugan

... Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Revenue Divisional Officer,
Tambaram Taluk,
Chennai - 600 067.
3. The Tahsildar,
Tambaram Taluk,
Opposite MEPZ,
Tambaram Sanatorium,
Chennai - 600 067.
4. Selvakumar,
Head Surveyor,
The Tahsildar,
Tambaram Taluk,
Opposite MEPZ,
Tambaram Sanatorium,
Chennai - 600 067.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondents to issue an individual patta after subdivision, if any for Plot No.3 and 4 (presently No.1, Valliammai Street) Rajendran avenue, Chiltlapakkam, Tambaram Taluk, Kanchipuram District to me, expeditiously as may be ordered by this Court.

For Petitioner : Mr.A.Thameem Mohideen
For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Government Advocate



ORDER

The petitioner has filed a mandamus to direct the respondents to issue an individual patta after subdivision for Plot No.3 and 4 at No.1, Valliammai Street, Rajendran avenue, Chitlapakkam, Tambaram Taluk, Kanchipuram District to the petitioner within a time frame.

2.The case of the petitioner is that he purchased a property in the aforesaid plot measuring an extent of 2237 sq.ft., through a sale deed executed vide Document No.4749 dated 21.08.89 registered before the Sub Registrar, Tambaram. According to the petitioner, he constructed a house by obtaining loan from the Department of Customs and Excise and he is residing since 1994.

3.According to the petitioner, his wife purchased MMDA approved Plot No.3 which is lying abutting Plot No.4 measuring an extent of 2201 sq.ft. executed vide Document No.4905 dated 25.10.1989 registered before the Sub Registrar, Tambaram. According to the petitioner, his wife gifted the above plot to him vide Document No.4394 dated 03.06.2014, registered before the Sub Registrar, Tambaram.

4.According to the petitioner, he constructed a house at Plot No.4, after approval of the building plan by Panchayat Authorities as well as MMDA and after obtaining loan from the Department of Customs and Excise, he has also constructed a compound wall for the said plot Nos.3 and 4. According to the petitioner, his wife mortgaged the property at Plot No.3 with Tamil Nadu Mercantile Bank, Tambaram Branch and obtained loan from the said bank, the same has been repaid and the property reconveyed.

5.According to the petitioner, he applied patta for both the plot Nos.3 and 4 by sending representation on 27.10.2014 to the Village Administrative Officer, Chitlapakkam. But no steps have been taken by the Village Administrative Officer. Since issue of patta involved sub - division of land, the petitioner approached the concerned surveyor at the third respondent Tahsildar's office, Tambaram. The petitioner submits that again and again he made attempts but he could not succeed.

6.According to the petitioner, he applied on 30.05.2019 for issuance of patta before the second respondent Revenue Divisional Officer during Jamabandhi, the said RDO was directed the Village Administrative Officer, Chitlapakkam to issue patta in favour of the petitioner. Thereafter, the petitioner applied through online viz. Registration No.2019/0105/03/218629 dated



30.05.2019, the Surveyor has not surveyed the aforesaid property and the request made by the petitioner was not completed.

7.The petitioner submits that even though all his documents would clearly show that he is the absolute owner of the said property, the petitioner has received a message stating that field visit has been scheduled on 21.10.2019 but on the said date, no one has visited but the petitioner was forced to send a message to the fourth respondent on the same day sought for another date for field visit after 05.11.2019.

8.The petitioner further submits that the fourth respondent called upon the petitioner over phone and informed the petitioner that he is closing petitioner's application for want of documents. According to the petitioner, the fourth respondent asked the petitioner to file a fresh application along with necessary documents for issuance of patta. According to the petitioner, he finally approached the District Collector, Kancheepuram/the first respondent herein by way of representation dated 08.07.2019 stating his difficulties in getting patta. But the same not considered by the District Collector till date.

9.The petitioner is left no other remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10.The learned Government Advocate for the respondents has filed a status report and stating that an enquiry letter was sent to the petitioner by the Tahsildar, Tambaram vide his Letter No.RC.No.6555/2019/B2 dated 04.12.2019 to appear before the Tahsildar along with original documents for enquiry in which the petitioner was not appeared on the said date. However, another letter was sent to the petitioner on 13.01.2020 to appear on 20.01.2020 and on receipt of the same, the petitioner appeared and submitted copies of all the documents. The learned Government Advocate further submits that a detailed enquiry report has been sent to the Revenue Divisional Officer, Tambaram for passing appropriate orders to issue patta to the petitioner vide Tahsildar Tambaram Na.ka.744/2020/B1 dated 30.08.2021.

11.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

12.On going through the averments, it is seen that since steps have been taken for issuing patta, this Court is of the view that the writ petition can be disposed of with a direction to the second respondent to pass appropriate orders in



accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

13. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District,
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+1CC to Mr.Government Pleader, Sr.No.44240

W.P.No.33862 of 2019

PMK (CO)
K.RK. (06.10.2021)