

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.25161 of 2018

Suresh Bafna

... Petitioner

-Vs-

1. Thasildar

Taluk Office 100 Feet Road Near RTO Office
Puducherry - 605 004.

2. District Collector

Puducherry District Puducherry - 605 009.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to dispose the representation dated 24.10.2017 for grant of patta to Petitioners property measuring 1821 sq.ft in Block No.17 T.S.No.21 R.S.No.197/9 Cadatre No.905 Appavu Nagar Vazhkulam Puducherry.

For Petitioner

: Mr.Seshachari

For Respondents

: Mr.B.Nambiselvan

Additional Government Pleader
(Puducherry)

ORDER

The prayer sought for here in is for a Writ of Mandamus directing the respondents to dispose the representation dated 24.10.2017 for grant of patta to

Petitioners property measuring 1821 sq.ft in Block No.17 T.S.No.21 R.S.No.197/9 Cadatre No.905 Appavu Nagar Vazhkulam Puducherry.

2. It is the grievance of the petitioner that though he made an application on 24.10.2017 in respect of the land situated at Block No.17 T.S.No.21 R.S.No.197/9 Cadatre No.905 Appavu Nagar Vazhkulam Puducherry, which was purchased by him by valid sale deed dated 10.09.2001 to get patta for the said land, the said request of the petitioner was not considered by the respondents, i.e., the first respondent Tahsildar, Taluk Office, Puducherry. Therefore, he has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Heard Mr.Seshachari, learned counsel appearing for the petitioner, who has reiterated the aforesaid facts and seeks the indulgence of this Court.

4. Heard Mr.B.Nambiselvan, learned Additional Government Pleader (Puducherry), appearing for the respondents, who would submit that, as per the instructions he has received, there has been a Civil Suit pending in respect of the property in question in O.S.No.6 of 2018 on the file of the District Munsif Court, Puducherry and that is the reason why the said application of the petitioner dated 24.10.2017 could not be decided.

5. Be that as it may, if at all any Civil Suit is pending, where any order has been passed, which is in force, pursuant to which, normally the revenue authorities will be precluded from proceeding further in issuance of patta or change of patta.

6. Therefore, in this regard, after considering the representation of the petitioner dated 24.10.2017, a disposal can be given by the first respondent on the said representation by stating the plausible or acceptable reason either to act upon on the application or to reject the same. However, the said application cannot be kept pending without disposal.

7. In that view of the matter, this Court is inclined to pass the following order:

That the respondents, especially the first respondent is hereby directed to consider the application of the petitioner dated 24.10.2017 with regard to the issuance of patta for the land in question, as claimed by the petitioner and decide the same after hearing the petitioner as well as the rival claimants, if any, by issuing separate notices to them and pass final orders thereon, on merits and in accordance with law within a period of

twelve weeks from the date of receipt of a copy of
this order.

8. With this direction, this writ petition is disposed of. No costs.

23.04.2021

Index : Yes/No
Internet : Yes/No

KST

To

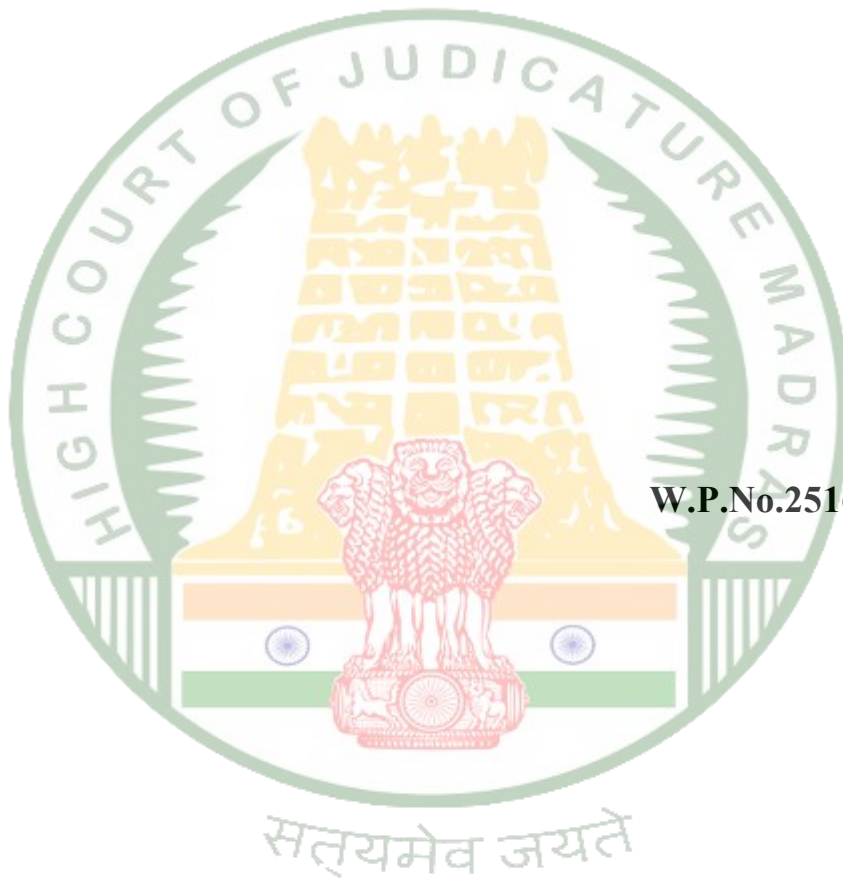
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R. SURESH KUMAR, J.

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