

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24566 OF 2013

The Tamil Nadu Brick & Tile Mrfs. Industrial
Service Co-op. Society Ltd.,
rep. by its Secretary
K.Rajan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ambattur,
Chennai - 53.
2. The Tahsildar,
Ambattur,
Chennai.
3. The Inspector of Police,
Maduravoil Police Station,
Chennai - 95.
4. Mumtaj
5. Nazar
6. Manzoor
7. Noorbeevi
8. Fathimabeevi
9. Hajirabeevi
- 10.Samsath Beevi
- 11.Raheem

(R4 to R11 impleaded as per
order dated 22.10.13 by KKSJ
in MP.1/13 in WP.24566/13)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to implement the orders of the first respondent passed in proceedings in Na.Ka.1186/2012/A5 dated 06.03.2013 and survey the land with the help of the third respondent and issue patta to the petitioner in respect of S.No.247/6 (1.36 acres),

S.No.247/1A (0.49 acres), S.No.251 (0.37 acres), S.No.252 (0.85 acres), S.No.254/1 (0.68 acres) of Maduravoil Village totally to the extent of 3.75 acres.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader
M/s.S.D.Ramalingam for R4 to R11

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to implement the orders of the first respondent passed in proceedings in Na.Ka.1186/2012/A5 dated 06.03.2013 and to survey the land with the help of the third respondent and to issue patta to the petitioner in respect of S.No.247/6 (1.36 acres), S.No.247/1A (0.49 acres), S.No.251 (0.37 acres), S.No.252 (0.85 acres), S.No.254/1 (0.68 acres) of Maduravoil Village totally to the extent of 3.75 acres.

2.The case of the petitioner is that one Abdul Kareem was the original owner of the subject property and he was in arrears of income tax and wealth tax to the tune of Rs.5,56,265/- and the income tax department proceeded against him for recovery of the amount. The said Abdul Kareem died on 05.02.1983 and hence the subject properties were brought to auction, after due notice to his legal heirs. The petitioner is the successful bidder and the petitioner society paid the entire sale consideration and the petitioner is in possession of the property from 06.06.1987. Whiles, the second respondent issued patta to the legal heirs of the said Abdul Kareem in respect of the subject property. Hence, the petitioner preferred appeal to the first respondent on 17.07.2012 seeking cancellation of the said patta. The first respondent vide order dated 06.03.2013 directed the second respondent to conduct survey and to issue patta to the petitioner. The said order was not implemented. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the second respondent to implement the order of the first respondent dated 06.03.2013 and to pass appropriate orders within a reasonable time frame.

4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the second respondent to implement the order of the first respondent

dated 06.03.2013, on merits and in accordance with law and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition/s, if any, is/are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Ambattur,
Chennai - 53.
2. The Tahsildar,
Ambattur,
Chennai.
3. The Inspector of Police,
Maduravoil Police Station,
Chennai - 95.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.14842
+1cc to M/s.S.D.Ramalingam , Advocate, S.R.No.15417
+1cc to the Government Pleader, S.R.No.15503

W.P.No.24566 of 2013

MT (CO)
PM/04/04/2022