



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8080 OF 2022

S.Sambanda Murthy

...Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Thasildhar,
Kundrathur Taluk,
Kanchipuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to measure petitioner's property and issue patta situated in Plot Number 20 in Sri Ranganathar Nagar covers under Survey Number 68/7 in Athanacherry Village & in Survey Number 456/1 in Padappai Village.

For Petitioner : Mr.M.Venkatesan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to measure petitioner's property and issue patta in his favour in respect of the properties situated in Plot Number 20 in Sri Ranganathar Nagar covers under Survey Number 68/7 in Athanacherry Village & in Survey Number 456/1 in Padappai Village.

2. Learned Special Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



3. The case of the petitioner is that, he claims to be the owner of the properties comprised in Survey No.68/7 situated at Athanacherry Village and Survey No.456/1, in Padappai Village, situated at Plot No.20, Sri Ranganathar Nagar. The petitioner made applications dated 18.06.2021 before the 3rd respondent for sub division patta transfer in respect of the above said properties. However, the 3rd respondent, vide letter dated 18.08.2021 in O.Mu.R.D.R.321832/2021, gave an evasive reply stating that, they were unable to measure the disputed property. Aggrieved by the same, the petitioner made an application dated 27.08.2021 before the RTI Officer, Kundrathur Taluk under RTI Act, seeking for information with regard to the status of the application dated 18.06.2021 and the RTI officer, vide letter dated 29.10.2021 gave a very evasive reply. Thereafter, the petitioner made an appeal dated 11.12.2021 before the 2nd respondent / District Revenue Officer, seeking for a direction to the 3rd respondent to consider the petitioner's application, measure the disputed property and issue patta in favour of the petitioner. However, till date, no orders have been passed on the same. Hence, the present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's appeal dated 27.08.2021 and direct the 3rd respondent to issue patta in favour of the petitioner as expeditiously as possible.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that, the petitioner's application dated 18.06.2021 for issuance of patta was considered, however, the 3rd respondent was unable to measure the property and issue patta in favour of the petitioner, since the petitioner has not appeared on the date fixed for surveying the land, for identifying the property and measuring the same and further, the patta in respect of the disputed property stands in the name of different person. He further submitted that, the order having been passed by the Tahsildar and the petitioner having claimed information before the appellate authority without challenging the said order, the petitioner was asked to approach the Tahsildar. Hence, he prays for appropriate orders.

6. Learned counsel for the petitioner fairly submitted that, this Court may permit the petitioner to file a fresh application before the 3rd respondent for issuance of patta in respect of the disputed property and sought for a consequent direction to the 3rd respondent to consider the same and pass orders within the time stipulated by this Court.



7. Heard the arguments advance on either side.

8. The facts relating to the earlier round seeking patta is not disputed, however, in view of the stand taken by either side, this Court without expressing any opinion on the merits of the case, directs the petitioner to make a fresh application for issuance of patta in respect of the disputed properties before the 3rd respondent along with a copy of this order within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the 3rd respondent is directed to consider the same on merits and pass appropriate orders in accordance with law, within a period of six weeks thereafter, after affording opportunity of hearing to the petitioner and aggrieved person, if any.

9. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

skt

To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Thasildhar,
Kundrathur Taluk,
Kanchipuram District.

+1cc to M/s.M.Venkatesan, Advocate Sr.No.28866

+1cc to the Government Pleader Sr.No.28896

W.P.No.8080 of 2022

RGN(CO)
RVM(31/05/2022)