



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 8349 of 2022

Kumari Kannan

...Petitioner

Vs.

1 The District Collector
Chennai.

2 The Tahsildar
Ayanavaram Taluk New Avadi Road Kilpauk
Chennai-600 010.

3 The Assistant Commissioner,
Urban Land Tax, Ambattur, Chennai-600 029.
(Presently Assistant Commissioner Urban Land
Tax) Egmore, Kuralagam, 3rd Floor,
Chennai- 600 108.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 2nd respondent herein to consider the representation of the Petitioner dated 21.11.2021 for grant of patta and pass orders within a stipulated time as fixed by this Honorable Court.

For Petitioner : Mr.S.Senthilnathan
For Respondents : Mr.Yogesh Kannadasan, SGP

ORDER

The Writ Petition has been filed seeking direction to the 2nd respondent herein to consider the representation of the Petitioner dated 21.11.2021 for grant of patta and pass orders within a stipulated time as fixed by this Honorable Court.

2. The case of the petitioner is that she purchased a plot No.8 measuring 2852 sq.ft. In S.No.30/1 Konnur Village vide sale deed dated 24.05.1982 and she constructed a building in the said plot. While so, the 3rd respondent herein passed an order dated 26.12.1990 that the lands in said S.No.30/1 are excess land under Tamil Nadu Urban Land Ceiling and Regulation Act.



Challenging the same, the petitioner filed a writ petition in W.P.No.27229 of 2013 before this Court and the same was allowed. Against the order of this Court, the respondent therein filed a writ appeal before this Court in W.A.No.990 of 2021 and the same was also dismissed vide order dated 05.07.2021. The petitioner, thereafter, applied for grant of patta before the second respondent on 21.11.2021, which is not considered, till date, and hence, the present writ petition has been filed before this Court seeking with the afore said prayer.

3. The learned counsel for the petitioner submitted that on the earlier occasion, the petitioner filed a writ petition before this Court and the same was allowed. Challenging the said order, the respondents therein filed a writ appeal before this Court and the said appeal was also dismissed. Even then, the respondents have not considered the petitioners representation and the same was rejected by the respondents. Once the respondent rejected the representation after getting an order from this Court, it will amount to contempt of Court. However, the learned counsel pray that this Court may issue a direction to the respondents to consider the petitioner's representations dated 21.11.2021 and to grant patta in favour of the petitioner in respect of the afore said property within the time limit as fixed by this Court.

4. The learned Special Government Pleader, on instructions, submitted that the Government have already decided to issue patta in favour of the petitioner subject to the result of the SLP to be filed before the Hon'ble Supreme Court.

5. Heard both sides and perused the materials available on record.

6. On 06.04.2022, when the matter was taken up for hearing, this Court vide its order dated 06.04.2022, issued a direction to the second respondent to grant patta in favour of the petitioner if it is otherwise in order, failing which, the second respondent was directed to appear before this Court on 20.04.2022.

7. On 20.04.2022, when the matter was taken up for hearing, it was informed to this Court that the second respondent has not complied with the order and also not appeared before this Court. Hence, this court issued bailable warrant to the second respondent and post the case on 28.04.2022.



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8. Today, when the matter came up, the second respondent viz., Tahsildar appeared before this Court and informed that the Government have decided to file SLP before the Hon'ble Apex Court and further submitted that subject to the outcome of the SLP, the patta will be granted in favour of the petitioner.

9. Considering the facts and circumstances of the case and in view of the fair submission made by the learned Special Government Pleader, this court directs the second respondent to consider the petitioner's representation dated 21.11.2021 and to grant patta in favour of the petitioner subject to the outcome of the SLP to be filed before the Hon'ble Supreme Court within a period of three weeks from the date of receipt of a copy of this order.

10. With the above directions, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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3 The Assistant Commissioner,
Urban Land Tax, Ambattur, Chennai-600 029.
(Presently Assistant Commissioner Urban Land
Tax) Egmore, Kuralagam, 3rd Floor,
Chennai- 600 108

+1 CC to Mr.S.Senthilnathan, Advocate sr 30364

+1 CC to The Government Pleader sr 30903.

W.P.No.8349 of 2022

NR(CO)
SP(02/06/2022)