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W.P.No.31669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.31669 of 2022

N.R.Chandra

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Singaravelar Maaligai,
Rajaji Salai,
Chennai 600 001.
3. The Tahsildar,
Mambalam Taluk Office,
New No.1, Old No.2, Bharathidasan Salai,
Near R.T.O. Office,
K.K. Nagar,
Chennai 600 078.
4. The Chairman,
Tamil Nadu Urban Habitat Development Board,
Kamarajar Salai, Chennai 600 005.
5. The Estate Officer-VIII,
Tamil Nadu Urban Habitat Development Board,
SCB Quarters, Sivalingapuram,
K.K. Nagar, Chennai 600 083.



W.P.No.31669 of 2022

6. S.Parthasarathy

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the impugned order passed by the third respondent in Na.Ka.No.A1/958/2022 dated 26.08.2022 and quash the same consequently direct the third respondent to grant patta to the property situated at Door No.15/1, Anna Veethi 1st Street, M.G.R. Nagar, Chennai 600 078 in R.S.No.394/2, Block No.0118 at Kodambakkam, Village, Chennai.

For Petitioner	:	Mr.M.Saravana Kumar
For R1 to R3	:	Mr.U.Bharanidharan Additional Government Pleader
For R4 & R5	:	Mr.G.Venkatesan Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus to call for the impugned order passed by the third respondent in Na.Ka.No.A1/958/2022 dated 26.08.2022 and quash the same consequently direct the third respondent to grant patta to the property situated at Door No.15/1, Anna Veethi 1st Street, M.G.R. Nagar, Chennai 600 078 in R.S.No.394/2, Block No.0118 at Kodambakkam Village, Chennai.



W.P.No.31669 of 2022

WEB COPY

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that, the petitioner is in continuous possession and enjoyment of the aforesaid property for more than three decades. It is stated that the petitioner obtained water connection as well as drainage connection from the Chennai Metro Water Supply and Sewerage Board, and the Property Tax also stands in the name of the petitioner in respect of the aforesaid property. According to the petitioner, the sixth respondent had received some amount from her as sale consideration, but the sale could not be registered in her favour. Thereafter, in order to obtain Patta in favour of the petitioner, the petitioner made a representation dated 19.11.2021 before the respondents. However, the said representation was not considered by the respondents. Therefore, the petitioner was constrained to file a Writ Petition before this Court in W.P.No.3184 of 2022, and this Court, by an order dated 21.02.2022, issued a direction to the third respondent to consider the petitioner's representation dated 19.11.2021 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of the



W.P.No.31669 of 2022

WEB COPY

order, pursuant to which, the third respondent passed the present impugned order dated 26.08.2022, stating that the petitioner has not obtained registered Sale Deed in her favour from the fourth respondent. Challenging the same, the petitioner had filed the present Writ Petition.

4. The learned counsel for the petitioner submitted that, the petitioner made representation dated 19.11.2021 before the respondents for issuance of patta in her favour. However, the said representation was rejected by the third respondent and the present impugned order is passed. Further, he submitted that, as against the order passed by the third respondent, there is an effective remedy of appeal available before the Revenue Divisional Officer. Hence, he seeks permission of this Court to file an appeal before the Revenue Divisional Officer.

5. Heard the learned counsel for the petitioner as well the learned Additional Government Pleader and learned Standing Counsel appearing for the respondents and perused the materials available on record.



W.P.No.31669 of 2022

WEB COPY

6. In view of the fair stand taken by the learned counsel for the petitioner, this Court permits the petitioner to file appeal before the jurisdictional Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order, and if such appeal is filed, the jurisdictional Revenue Divisional Officer is directed to consider the petitioner's appeal and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well the private respondent, within a period of ten weeks thereafter.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

28.11.2022

Index: Yes/No

Speaking Order : Yes/ No

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W.P.No.31669 of 2022

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WEB COPY



W.P.No.31669 of 2022

M.DHANDAPANI, J.

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