



WEB COPY



WP.No.31916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.31916 of 2022

S.Sunitha

...

Petitioner

Vs

1. The District Collector,
Chennai.

2. The Revenue Divisional officer,
South Chennai Revenue Division,
Anna Salai, Guindy,
Chennai.

3. The Tahsildar,
Mylapore Taluk Office,
Raja Annamalaipuram,
Chennai-28.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to consider the petitioners representation dated 12.02.2009 and 10.09.2015 in the light of the order dated 04.10.2021 passed in W.P.no.18504 of 2021 within a time limit that may be specified by this Court.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.U.Baranidharan, AGP



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ORDER

This petition has been filed seeking a direction the third respondent to consider the petitioners representation dated 12.02.2009 and 10.09.2015 in the light of the order dated 04.10.2021 passed in W.P.no.18504 of 2021 within a time limit that may be specified by this Court.

2. It is the case of the petitioner that the petitioner is the owner of the property in old S.No.1050, Re-survey No.3780 measuring an extent of 1200 sq. ft. situated at No.110, Zone No.8, New Division No,115, within Chennai Corporation and the petitioner was purchased above said property in the year 2004 and he is regularly paying the tax. Therefore, the petitioner made an application on 12.09.2009 for issuance of patta in his name, but the third respondent did neither acknowledged the petitioner's patta application nor issued the patta. On the ealier occasion, a suit was filed in O.S.No.5251 of 1984 before the City Civil Court, Chennai by one Venuraj Naicker against one Sengalani Naicker and two others. Subsequently, the suit was decreed on the basis of a compromise entered into between the parties to the said suit. As per the said decree, the property in question was allotted to the petitioner's



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vendor Shanmugam. The said Shanmugam sold the property to the petitioner during the year 2004.

3. While the facts stood thus, the Assistant Commissioner of HR & CE, Mylapore had given a report to the Joint Commissioner (HR & CE) Department stating the above said subject land belong to the ThiruvalluvarNayanar Temple, Mylapore. On the basis of the report, a notice dated 23.05.2022 was issued to the petitioner and upon receipt of such notice, the petitioner was unable to attend the enquiry. The enquiry unfolded that the property in question was wrongly uploaded in the government records as Government Poromboke instead of Ryotwaru land (exempted registry).

4. In such circumstances, one Magesh, who is the adjacent land owner of the petitioner, has filed a writ petition in W.P.No.18504 of 2021 directing the respondents to consider the petitioners representation to conduct enquiry and issue patta. This Court, vide its order dated 04.10.2021 directed the first respondent to consider the petitioners representation dated 01.07.2021 of one Mahesh and decide the ownership of the land in question



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after perusing the records and pass appropriate orders within a period of sixteen weeks. Pursuant to the above said order, the third respondent, after conducting enquiry, re-classified the land as Government Poromboke into one of Ryotwari land. The petitioner is residing in the same street and he is adjacent land owner. Therefore, the petitioner has made a representation on 12.02.2009 and 10.09.2015 to the third respondent to consider the petitioners representation and to issue patta in the light of the above said order dated 04.10.2021. However, the same was not considered so far. Hence, the petitioner has filed the present writ petition before this Court seeking an appropriate remedy.

5. Heard the learned counsel for the petitioner as well as the learned Addl. Government Pleader for the respondent and perused the materials available on record.

6. Learned counsel for the petitioner submitted that this Court may issue a direction to the 3rd respondent to consider the petitioners representations 12.02.2009 and 10.09.2015 and to issue patta in the light of



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the above said order dated 04.10.2021 in W.P.no.18504 of 2021 within the stipulated time as fixed by this Court.

7. Considering the facts and circumstances of the case and in view of the limited request made by the petitioner, this Court directs the 3rd respondent to consider the petitioner's representation dated 12.02.2009 and 10.09.2015 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the petitioner as well as necessary parties within a period of twelve weeks from the date of receipt of a copy of this order.

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

30.11.2022

Rli

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking



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M.DHANDAPANI, J.

Rli

To

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