



W.P.Nos.394 & 397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.394 & 397 of 2023

Swaminathan

... Petitioner in both WPs

Vs

1.The Revenue Divisional Officer,
Ponneri Division,
Thiruvallur District.

2.The Tahsildar,
Ponneri Taluk,
Thiruvallur District.

... Respondents in both WPs

Prayer in WP.No.394/2023 : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to issue patta to the petitioner for the property situated at Plot No.261, North Side measuring an extent of 1007 ½ sq.ft. (93.75 sq.mt.) in out of 2015 sq.ft. (187.50 sq.mt.) in the approved layout vide No.P.P.D/L.O.No.26/2010, and annexed hereto comprised, in Survey No.155/2B1, and 156/2A, in Patta No.3311, situated at No.118, Padianallur Village, Ponneri Taluk, Tiruvallur District.

Prayer in WP.No.397/2023 : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to issue patta to the petitioner for the property situated at Plot No.261, Southern Side measuring an extent of 1007 ½ sq.ft. (93.75 sq.mt.) in out of 2015 sq.ft. (187.50 sq.mt.) in the approved layout vide No.P.P.D/L.O.No.26/2010, and comprised, in Survey No.155/2B1, and 156/2A, in Patta No.3311, situated at No.118, Padianallur Village, Ponneri Taluk, Tiruvallur District.



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In both WPs

For Petitioner : Ms.M.Kokila

For Respondents : Mr.P.Sathish
Addl. Government Advocate

COMMON ORDER

Since the issue raised in both the writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, both the writ petitions were heard together and are disposed of by this common order.

2. Insofar as Plot No.261 in an approved layout vide P.P.D./L.O.No. 26/2010 in Patta No.3311, situated at No.118, Padianallur Village, Ponneri Taluk, Tiruvallur District, the petitioner had purchased 1007 ½ sq.ft. i.e. northern side of the Plot No.261 earlier and in the very same Plot No.261, another 1007 ½ sq.ft. which is southern side of the plot which the petitioner purchased subsequently.

3. In respect of these two purchase by way of sale deeds i.e. half of the plot in Plot No.261 and remaining half of the plot in Plot No.261 subsequently, the petitioner wanted to get patta, therefore he has made an



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online application to the respondent Tahsildar on 03.10.2022 and therefore in order to process the said application and to get patta for these two portions, the petitioner has moved the present writ petitions.

4. Heard Ms.M.Kokila, learned counsel appearing for the petitioner who would submit that, even though the petitioner had purchased half of the property and second half of the property subsequently and because of the two sale deeds under which the whole plot in Plot No.261 have been purchased by the petitioner, he had made an application to the respondent Tahsildar to get patta by separately making two applications quoting the two portion of the plot with same survey number for getting patta. However the learned counsel appearing for the petitioner would submit that, these two applications can be considered by the 2nd respondent Tahsildar and accordingly patta can be issued as a single patta to the petitioner for the whole plot of Plot No.261 consisting of 2015 sq.ft. in the aforestated survey number referred in the prayer.

5. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents who would submit that, even though the



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application had been separately made for half of the property first and half of the property next, since in view of the stand now taken by the learned counsel appearing for the petitioner, the application submitted by the petitioner for getting patta for the whole plot would be taken as a one unit since both were purchased by the petitioner in his name of course by two separate sale deeds and accordingly the said application would be processed and patta would be issued as a single patta, provided, if the petitioner is otherwise entitled to get such patta within a time frame that may be stipulated by this Court.

6. Considering the said submissions made by the learned counsel appearing for both sides especially the stand taken by the learned counsel for the petitioner to get a single patta and also taking note of the stand taken by the learned Additional Government Pleader for the respondents, this Court is inclined to dispose of these writ petitions with the following orders:

There shall be a direction to the 2nd respondent to consider the applications submitted by the petitioner dated 03.10.2022 separately and decide the same for issuance of a single patta for Plot No.261 as referred to above for the whole



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extent of 2015 sq.ft. if the petitioner is otherwise eligible to get such patta and such orders shall be passed within a period of six weeks from the date of receipt of a copy of this order.

7. With this direction, these Writ Petitions are disposed of. No costs.

09.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1.The Revenue Divisional Officer,
Ponneri Division,
Thiruvallur District.

2.The Tahsildar,
Ponneri Taluk,
Thiruvallur District.



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R.SURESH KUMAR, J.

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