



W.P.No.3510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3510 of 2023

Mrs.Shenbagavalli

...Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
3. The Executive Engineer and Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, T.N.H.B Commercial Complex,
Anna Nagar, 2nd Avenue,
Chennai-600 040.
4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division, Chennai.



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5. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Thiruvallur District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 5th respondent to issue the patta to the petitioner for her land and House site, Plot No.24 in Malligai Avenue situated at Nerkundaram Village, Maduravoyal Taluk, Thiruvallur District, Comprised in Survey No.136/2, measuring an extent of 1680 sq.ft on the Eastern Part and lying within the Registration District of Chennai South and Sub Registration District of Virugambakkam.

For Petitioner : Mr.L.G.Sahadevan
for Mr.A.Ilayaperumal

For Respondents : Mr.P.Sathish,
Additional Government Pleader
For R.1, R.4 and R.5.
Mr.A.M.Ravindranath Jeyapal
Standing Counsel
For R.2 and R.3



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ORDER

The grievance of the petitioner is that her representation seeking for issuance of a Patta for her land and House site, Plot No.24 in Malligai Avenue situated at Nerkundaram Village, Maduravoyal Tauk, Thiruvallur District, Comprised in Survey No.136/2, measuring an extent of 1680 sq.ft on the Eastern Parhas has not been considered by the 5th respondent/Tahsildar, Madhuravoyal in time and hence, she has preferred the present Writ Petition.

2. The learned Additional Government Pleader submitted that the relevant form, namely Form II, has now been uploaded in the Registration Department's website and that the petitioner can apply through online.

3. The Tamil Nadu Patta Pass Book Act prescribes the mode of making an application for issuance of Patta to be in Form II, as specified under Section 3(4) of the Patta Pass Book Act, 1983 [hereinafter referred



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to as 'the Act'], read with Rule 3(2) of the Tamil Nadu Patta Pass Book Rules, 1987 [hereinafter referred to as 'the Rules'], within a period of 30 days from the date specified in the notice under Section 3(3) of the Act.

4. This Court is of the view that if the petitioner is granted liberty to make an appropriate online application under the relevant form, within 30 days, with a consequential direction to the 5th respondent/Tahsildar to consider the said application in accordance with the procedure contemplated under the relevant Act and Rules, the ends of justice could be secured.

5. In the light of the above observations, the petitioner herein is granted liberty to make an application in Form II through online, as specified under Section 3(4) of the Act, read with Rule 3(2) of the Rules, within a period of 30 days from the date of receipt of a copy of this order, if not already made. On receipt of such an application, the 5th respondent herein shall consider it on its own merits and in accordance with the



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procedure contemplated under the Tamil Nadu Patta Pass Book Act, as well as the Tamil Nadu Patta Pass Book Rules and take a final decision, after giving notice to the petitioner, as well as all the other persons who may be interested in the title/possession of the subject property, within a period of 12 weeks from the date of receipt of the online application (or) from the date of receipt of a copy of this order, if the online application has already been made and is pending.

6. With the above directions, the Writ Petition stands disposed of.

No costs.

31.03.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
sr

To

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Secretariat,
Chennai-600 009.



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M.S.RAMESH,J.

Sr

2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
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3. The Executive Engineer and Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, T.N.H.B Commercial Complex,
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