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W.P.No.6091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6091 of 2023

1.S.Jayalakshmi  
2.S.Sathishkumar  
3.S.Manjula  
4.S.Vijayalakshmi

... Petitioners

Vs

1.The District Collector,  
Kanchipuram District,  
Kanchipuram – 631 502.

2.The District Revenue Officer,  
Collector's Office,  
Kanchipuram – 631 502.

3.The Head Surveyor,  
Taluk Office, Kanchipuram – 631 502.

4.The Tahsildar,  
Taluk Office, Kanchipuram – 631 502.

... Respondents

**Prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to issue patta in Survey No.592/3 and 593/3 by considering the petitioners representation dated 21.10.2021 pending on the file of the respondents herein.

For Petitioners : Mr.S.Prabhu

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader



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### **ORDER**

The prayer sought for herein is for a Writ of Mandamus directing the respondents herein to issue patta in Survey No.592/3 and 593/3 by considering the petitioners representation dated 21.10.2021 pending on the file of the respondents herein.

2. In respect of property at Survey No.592/3 and 593/3 situated at Sevilimedu Village, Kanchipuram Taluk and Kanchipuram District, it is the claim of the petitioners that, the 1<sup>st</sup> petitioner's husband and the father of the other petitioners one Shanmugam purchased the property in 1989 from the erstwhile owner who got the property by way of partition of the year 1969.

3. Since the 1<sup>st</sup> petitioner's husband had been in possession and enjoyment of the property along with the petitioners and the said Shanmugam died interstate, therefore the property has been inherited by the petitioners since then the petitioners have been making application to the respondents Revenue Department to get patta and the same has not been considered.



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4. It is further to be noted as projected by Mr.S.Prabhu, learned counsel appearing for the petitioners that, in the meanwhile for the purpose of acquisition by the Housing Board, the neighbouring land was sought to be acquired and the land of the petitioners also had been included in the acquisition proceedings, however subsequently it has been dropped therefore the land in question is free from acquisition and therefore there can be no impediment for the Revenue Authorities to consider the application of the petitioners filed in this regard dated 21.10.2021 for grant of patta, therefore in order to consider the said application, the petitioners have moved the present writ petition.

5. However, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents would submit that, if it is the claim of the petitioners that the land acquisition proceedings made for the benefit of Housing Board subsequently has been dropped in respect of the petitioners property, no objection has to be obtained from the Housing Board then only the plea of the petitioners would be considered by the Revenue Authorities.

6. I have considered the said submissions made by the learned counsel



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appearing for both sides and have perused the materials placed before this Court.

7. Since it is an application or representation submitted by the petitioners dated 21.10.2021 to the Revenue Authorities especially the 4<sup>th</sup> respondent Tahsildar to consider the same for grant of patta and in this regard whether the land in question has been acquired for the Housing Board or not has to be ascertained, thereafter the 4<sup>th</sup> respondent Tahsildar has to consider this application after ascertaining the same by giving notice to the Tamil Nadu Housing Board and if it is free from such encumbrance of acquisition, then it is open to the 4<sup>th</sup> respondent to decide the said plea raised by the petitioners through his representation independently for the purpose of grant of patta to the land in question in favour of the petitioners.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 4<sup>th</sup> respondent to consider the petitioners' representation dated 21.10.2021 and decide the same after giving an opportunity of being heard to



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both petitioners as well as the Tamil Nadu Housing Board and in this process summon shall be sent to the Tamil Nadu Housing Board and after ensuring that the Tamil Nadu Housing Board has no objection with regard to the land in question for grant of patta to the petitioners, the same shall be decided and orders shall be passed thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

01.03.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

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R.SURESH KUMAR, J.

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