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W.P.No.18465 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18465 of 2019

and

W.M.P.No. 17785 of 2019

K. Muthu

...Petitioner

-Vs-

1. The Tahsildar,
Pallavaram,
Chennai – 600 043.

2. Vijaya Lakshmi

(R2 impleaded vide Court order
dated 22.07.2019 in W.M.P.No. 20364 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondent to consider Petitioner's representation dated 17.03.2019 to issue patta in the name of the Petitioner for the property measuring to an extent of 3,600 sq.ft., comprised in Paimash No.181-2, Old Survey No.7/9A1A1A1 (Part), New Survey No.6, Ward No.F, Block No.6 situated at Ananthanilayam Street, (presently Soundararajan Street) Kumaran colony, Hasthinapuram Village, Tambaram Taluk, Kancheepuram District within the time limit fixed by this Court.



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For Petitioner : Mr.Vijayan Subramanian

For R1 : Mrs.R.L.Karthika
Government Advocate

For R2 : No appearance

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the first respondent to consider the petitioner's representation dated 17.03.2019 to issue patta in the name of the Petitioner for the property measuring to an extent of 3,600 sq.ft., comprised in Paimash No.181-2, Old Survey No.7/9A1A1A1 (Part), New Survey No.6, Ward No.F, Block No.6 situated at Ananthanilayam Street, (presently Soundararajan Street) Kumaran colony, Hasthinapuram Village, Tambaram Taluk, Kancheepuram District within the time limit fixed by this Court.

2. The case of the petitioner is that the petitioner has been residing over the property for the past 9 years and paying property taxes and charges to CMWSSB for the usage of civil amenities. The petitioner has purchased the property vide registered sale deed dated 29.01.2010, registered as Document No. 438 of 2010. The petitioner subsequently sent a representation dated 27.05.2017 to the respondent seeking to issue Patta in



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the name of the petitioner for mentioned property. The petitioner received a reply letter dated 27.05.2017 from the respondent stating that there is dispute pending in the said property and directed the petitioner to approach the Court to get the appropriate relief. The petitioner subsequently sent a representation dated 17.03.2019 to the respondent stating about the dismissal of the civil suit in O.S.No. 66 of 2002 on 15.06.2011 and the said order copy was attached along with the representation. The petitioner made several representation to the respondents seeking to grant Patta to his property. Till date no action has been taken by the respondents. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner submitted that suit in O.S.No. 66 of 2002 on the file of Additional District Munsif, Alandur was filed by the second respondent for permanent injunction not for declaration and the same was dismissed for default on 15.06.2011 and no restoration petition was filed by the second respondent till date to restore the petition.

4. The learned Government Advocate appearing for the first respondent has no objection for the said order being passed by this Court.



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5. Heard both sides and perused the materials available on record.

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6. In view of the above, the following order is passed by this Court:-

“The first respondent is directed to consider the representation dated 17.03.2019 after giving due notice to both the parties, opportunity of personal hearing, take into consideration the documents submitted by both the parties, on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order.”

7. With above said direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

nsI

Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

To

The Tahsildar,

Pallavaram,

Chennai – 600 043.



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J.SATHYA NARAYANA PRASAD, J.

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