

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.270 of 2014

and

M.P.No.1 of 2014

1.Mr.V.Rajasekaran

2.Mrs.R.Parvathi

3.Mrs.K.Rajalakshmi

4.Mr.Raj Nathan

5.Mrs.K.Gayathri

6.K.Charu

... Petitioners

S.1 No.4 to 6 represented by their Power
of Attorney Agent Mrs.K.Rajalakshmi,
New No.19,Old No.10 (Plot No.30) Second Street,
East Abiramapuram, Chennai-4.

Vs.

1.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu
Fort St. George, Chennai - 600 009.

2.The Commissioner for Land Administration
Chepauk, Chennai - 600 005.

3.The Collector of Chennai,
Collectorate, Chennai - 600 001.

4.The Tahsildar,
Mylapore - Triplicane Takuk,
Chennai - 600 028.

5.The Chief Engineer,
Water Resources Division,
Public Works Department,
Chepauk, Chennai - 600 005.

6.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a direction to the respondents 1 to 5 to effect necessary re-classification in the revenue records in relation to the extent of 960 square feet owned by the petitioners and comprised in R.S.Nos.3570 part and 3579/3 part, Block No.71 of Mylapore Village, Mylapore - Triplicane Taluk, forming part of the property bearing Plot No.30, New No.19, Old No.10, Second Street East Abiramapuram, Chennai and consequently issue patta to the petitioners in respect of the said extent.

For Petitioners : Mr.V.G.Suresh Kumar
For Respondents : Mr.V.Anandhamurthy
For R6.
Mr.Vijaya Kumar
For R1 to R5.

O R D E R

1. The petitioner has filed this petition praying for direction to the respondents 1 to 5 to effect necessary re-classification in the revenue records in relation to the extent of 960 square feet owned by the petitioners and comprised in R.S.Nos.3570 part and 3579/3 part, Block No.71 of Mylapore Village, Mylapore - Triplicane Taluk, forming part of the property bearing Plot No.30, New No.19, Old No.10, Second Street East Abiramapuram, Chennai.

2. The 2nd petitioner is the wife of the 1st petitioner. Petitioners 5 and 6 are the daughters of the 3rd petitioner. Under the deed of settlement dated 28.03.2013, the 1st petitioner has settled his share in the subject property in favour of his wife, the 2nd petitioner. Under the said deed of settlement, the 1st petitioner has only retained life estate that is to enjoy and to receive the income and profits from the property without retaining any right to encumber or alienate the property. The absolute remainder in the property has been vested in the 2nd petitioner, his wife. Similarly, under two deeds of settlement dated 06.05.2013, the 3rd petitioner has settled her share in the property on petitioners 5 and 6, her daughters. She has only retained life interest in herself and her husband and the property has been settled absolutely on petitioners 5 and 6. The deeds of settlement take effect immediately on execution and thus, a right in the property is vested in the 2nd petitioner and 5th petitioner in their favour. They being persons interested in the property who have got absolute right in the property subject only to the life estate retained by petitioners 1 and 3.

3. In the background of the above facts the petitioner sought for grant of patta. It is not in dispute that for the extent of 960 square feet owned by the petitioners, the Tahsildar namely 4th respondent by communication dated 03.11.2010 declined to issue patta in respect of the 960sq.ft., on the ground that according to the Revenue Records, the same still forms part of the lay out allotted by the City Improvement Trust and subsequently conveyed by the Tamil Nadu Housing Board. Representations were made by the petitioners and from the typed set of papers it is seen that there has been primary corrections.

4. Ultimately, the 6th respondent has written to the Tahsildar by proceedings dated 27.12.2013 stating that the amount payable by Housing Board Rs.12,931.25 has been remitted as early as on 04.12.1967. In this regard the Housing Board as referred to documents regarding proof of payment bearing file No.BPMS 411 dated 10.11.1970. It has also been intimated to the Chief Engineer Water Resources Department, Public Works Department, Chennai by communication dated 21.01.2014.

5. In the light of the fact that the amount has been remitted as early as on 04.12.1967 to the Housing Board, there shall be a direction to the 4th respondent to verify the same and if any further clarifications required the same shall be sought from the 6th respondent Housing Board, more particularly the Executing Officer, Nandanam Division who shall promptly reply to the Tahsildar. On verification if it appears to be correct, the first respondent is directed to correlate their records and effect necessary re-classification in the Revenue Records in respect of the 960sq.ft., Plot No.30, Mylapore Village, at the earliest.

With the above observation, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

prm

To

1.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu
Fort St. George, Chennai - 600 009.

2.The Commissioner for Land Administration
Chepauk, Chennai - 600 005.

3.The Collector of Chennai,
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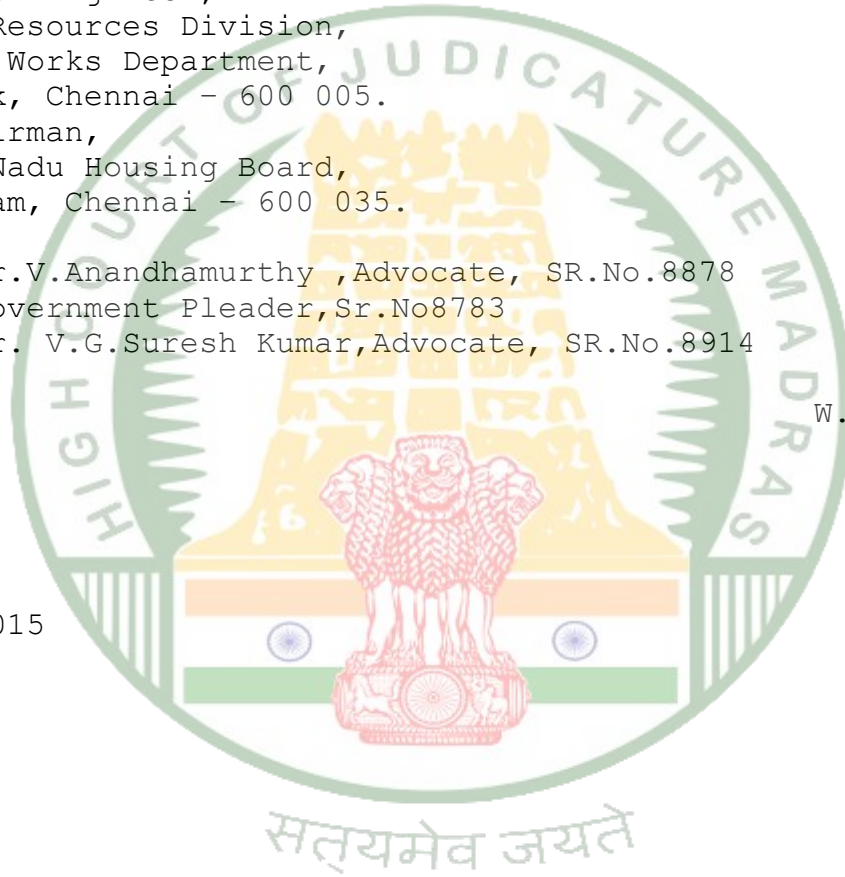
1 cc to Mr.V.Anandhamurthy ,Advocate, SR.No.8878

1 cc to Government Pleader,Sr.No8783

1 cc to Mr. V.G.Suresh Kumar,Advocate, SR.No.8914

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