

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8832/2015

1.N.Rajeswari
2.B.Malini
3.K.Sudha

.. Petitioners

Versus

The Tahsildar
Ayanavaram,
Ayanavaram Taluk
Chennai-23.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relating to in O.Mi.Pa.Ma.No.A2/T/2/2995/2014 dated Nil.02.2015 on the file of the respondent and quash the same, and consequently direct the respondent to issue a patta in favour of the petitioners.

For Petitioners : Mr.K.Sathishkumar
For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

Heard Mr.K.Sathishkumar, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondent and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioners have challenged the order passed by the respondent dated Nil.02.2015 with a prayer to quash the same and consequently, to direct the respondent to issue joint patta in favour of the petitioners.

3.The petitioners applied for grant of joint patta in their names. The respondent has returned the application vide impugned communication stating that the petitioners have to produce the registered Partition Deed based on the decree passed in OS.No.2710/2008. The petitioners would state that based on the said decree, the parties have entered into a Deed of Partition on 19.11.2012, registered as Document No.3853/2012 on the file of the Sub Registrar, Anna Nagar and the petitioners claim that the copy of the Partition Deed was also produced before the respondent. However,

to establish the same, there is no proof to show that the petitioners' application for grant of joint patta was accompanied by the Partition Deed.

4. In the light of the above, there will be a direction to the petitioners to re-submit their application along with a copy of the Partition Deed dated 19.11.2012, together with the copy of the Judgment and Decree passed in OS.No.2710/2008. On receipt of the same, the respondent shall consider the petitioners' application, after notice to the petitioners and if in the opinion of the respondent, the other parties of the suit have to be heard before the application being considered, it is open to the respondent to issue notice to such persons, hear the parties, viz., the petitioners as well as the other parties in the suit and thereafter, pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of such application from the petitioners.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

The Tahsildar
Ayanavaram,
Ayanavaram Taluk
Chennai-23.

1 cc to Mr. P.Mahalakshmi, Advocate, SR.No.17269
1 cc to Government Pleader, Sr.No17612

gj (co)
pmk.8.4.2015

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