

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10700 of 2016

1. M.Shakila
2. M.Sarfudeen
3. A.Nabeela

.. Petitioners

Vs.

The Tahsildar,
Taluk Office,
Sholinganallur Division,
Chennai-600 119.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider and dispose of the representation of the petitioners, dated 09.02.2016 for grant of patta in respect of the property bearing Survey No.29/1, Palavakkam Village, Tambaram Taluk, Kancheepuram District.

For Petitioners : Mr.G.Ravi Sankar

For Respondent : Mr.S.V.Durai Solai Malai, Addl.G.P.

ORDER

The petitioners have filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to consider and dispose of the representation of the petitioners, dated 09.02.2016 for grant of patta in respect of the property bearing Survey No.29/1, Palavakkam Village, Tambaram Taluk, Kancheepuram District.

2. The first and second petitioners are respectively the daughter and son of Mrs.M.Sithi Nayeema and the third petitioner is the grand-daughter of the said Mrs.M.Sithi Nayeema. It is the case of the petitioners that the mother of the first and second petitioners was the absolute owner of the property measuring 6960 sq.Ft. along with the building comprised in Survey Nos.29 and 30/1 at No.112, Palavakkam Village, Tambaram Taluk, Kancheepuram District and she has been in possession and enjoyment of the said property from the date of gift deed. Out of love and affection, the mother of the first and second petitioners, i.e. Mrs.Sithi Nayeema, executed a settlement deed, dated 23.03.2015, settling the above said property in favour of

all the petitioners and the said settlement deed was registered as Document No.2307 of 2015 on the file of the Sub-Registrar, Neelankarai, Chennai-41 and ever-since from the date of settlement, the petitioners have been in possession and enjoyment of the said property.

3. It is the further case of the petitioners that they sent a representation, dated 09.02.2016 by Registered Post to the respondent for grant of patta in respect of the above said property, by enclosing all the relevant documents of title and Encumbrance Certificate. It is the stand of the petitioners that the respondent is authorised under the provisions of Patta Passbook Act, to issue patta, after following the procedures contemplated therein. The petitioners also applied for grant of patta by enclosing the settlement deed, plan copy, payment of challan for sub-division of Survey No.29/1, Encumbrance Certificate and parent documents. Since no enquiry was conducted and no action has been taken, the petitioners have filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into account the factual aspects of the matter, without going into the merits of the case, this Court directs the respondent to consider the said representation, dated 09.02.2016 of the petitioners and after conducting enquiry and giving an opportunity of personal hearing to the petitioners and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners and it is for the respondent to decide the same.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.
cs

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Copy to
The Tahsildar,
Taluk Office,
Sholinganallur Division,
Chennai-600 119.

+ 1 cc to Mr.G.Ravishankar, Advocate, SR 18041
+ 1 cc to Govt.Pleader, High Court, Madras SR 18397
vgi(co)
prk6/4

W.P.No.10700 of 2016