

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11709 of 2016

J.Sankaran

.. Petitioner

Vs.

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Thasildar,
Sholinganallur Taluk, Sholinganallur,
Kanchipuram District.
3. The Village Administrative Officer,
5, Medavakkam, 6, Jalladianpettai,
Sholinganallur Taluk,
Kanchipuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to issue Patta to the petitioner by effecting name transfer in the existing Patta No.1211 which stands in the name of petitioner's deceased father M.Jagannathan in respect of property at Medavakkam Village, Sholinganallur Taluk, Kanchipuram District, comprised in Patta No.1211, S.No.39/2C Part, measuring an extent of 2180 Sq.Ft. situated within the Sub-Registration District Joint-I Saidapet and Registration District of South Chennai.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to issue Patta to the petitioner by effecting name transfer in the existing Patta No.1211 which stands in the name of petitioner's deceased father M.Jagannathan in respect of property at Medavakkam Village, Sholinganallur Taluk, Kanchipuram District, comprised in Patta No.1211, S.No.39/2C Part, measuring an extent

of 2180 Sq.Ft. situated within the Sub-Registration District Joint-I Saidapet and Registration District of South Chennai.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is the owner of the above said property, which was part of larger extent of land originally belonged to his father M.Jagannathan, who executed an unregistered Will, dated 25.06.2003 in favour of the petitioner's daughters S.Anitha and S.Vanitha, thereby bequeathing the above said property in favour of them. The said Jagannathan died on 15.09.2003 and the surviving legal heirs of the deceased Jagannathan, namely his second wife Samundeeswari, sons J.Jayachandran, J.Parthiban and J.Sankaran, through his first wife Alamelu and son J.Vijayan and daughter J.Meena through second wife Samundeeswari, have admitted the execution of the above said unregistered Will and to that effect, they have jointly executed a consent affidavit, dated 15.08.2009 before the Notary Public.

3. It is further stated by the petitioner that his daughters being the legatees of the said Will, became the absolute owners of the above said property after the demise of the petitioner's father M.Jagannathan. The petitioner's daughters, out of love and affection, settled the above said property in favour of the petitioner under settlement deed, dated 03.07.2014 and the property is under the petitioner's exclusive possession and enjoyment. However, Patta No.1211 assigned to the above said land, is still in the name of the petitioner's deceased father, and therefore, on the strength of the said Will, the consent affidavit of the surviving legal heirs of the deceased M.Jagannathan, admitting the execution of the said Will and the subsequent execution of the settlement deed in favour of the petitioner, the petitioner applied for Patta name transfer to the third respondent on 08.09.2014, who acknowledged the receipt of the same and informed the petitioner to approach the second respondent's office after four weeks, on Friday, along with all the original documents pertaining to the above said property. Accordingly, the petitioner visited the office of the second respondent on the appointed day and also on subsequent days, however, no steps were taken to effect name transfer in Patta.

4. It is the further grievance of the petitioner that as requested by the third respondent, again, the petitioner applied for Patta name transfer to the third respondent in October 2015, and receipt of the same was also acknowledged by the third respondent. Again, the petitioner was asked to approach the second respondent after four weeks, on Friday, with all supporting documents. Again, he went on the particular day and also on other days. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

5. Heard both sides.

6. Taking into consideration the above factual aspects of the matter, without going into the merits of the case, this Court directs the respondents to consider the said representation, dated 08.09.2014 and the subsequent representation in October 2015, given by the petitioner in respect of Patta name transfer, conduct enquiry, give an opportunity of personal hearing to the petitioner herein and other necessary parties, pass appropriate orders and dispose of the said representations, 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 petitioner and it is for the respondents to decide the same.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Copy to

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Thasildar,
Sholinganallur Taluk, Sholinganallur,
Kanchipuram District.
3. The Village Administrative Officer,
5, Medavakkam, 6, Jalladianpettai,
Sholinganallur Taluk,
Kanchipuram District.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.20396
+1cc to the Government Pleader, S.R.No.20153

W.P.No.11709 of 2016

svi(CO)
srg(21/04/2016)