

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13193 of 2016

Mrs.Indhirani

... Petitioner

Vs.

1. The District Collector
Kancheepuram,
Kancheepuram District

2. The District Revenue Officer
Kancheepuram,
Kancheepuram District

3. The Tahsildar
Cheyyur Taluk Office
Cheyyur Taluk
Kancheepuram District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent 2 and 3 to dispose of the petitioner's representation dated 3.7.2014 for issuance of Patta to the petitioner as per the Will dated 14.12.1989 in S. No.76 measuring extent of 24.5 acres and S. No.80 measuring extent of 8.33 acres, total extent of 32.38 acres in Nerkunapattu Village, Cheyyur Taluk, Kancheepuram District and to pass orders according to law within the time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mrs.M.E.Rani Selvam,
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus, directing respondents 2 and 3 to dispose of the petitioner's representation dated 3.7.2014 for issuance of Patta in her name as per the Will dated 14.12.1989 in S. No.76

measuring an extent of 24.5 acres and S. No.80 measuring an extent of 8.33 acres, total extent of 32.38 acres in Nerkunapattu Village, Cheyyur Taluk, Kancheepuram District, within the time frame.

2. The case of the petitioner is that her mother-in-law late Kandamani purchased the property in question situated at Nergunapattu Village, Cheyyur Taluk, Kanchipuram District, measuring total extent of 31.91 acres by a Document dated 12.6.1956. Now new Survey Numbers, viz., S.No.76, measuring an extent of 24.5 acres and S.No.80, measuring an extent of 8.33 acres, have been assigned. Since the date of purchase, the petitioner's mother-in-law was in absolute possession and enjoyment of the property. In fact, the entire lands belonging to the petitioner's mother-in-law were reflected in the revenue records of "A" Register, Cheyyur Taluk and also the encumbrance certificate. During her life time, she executed a Will dated 14.12.1989, which was registered in D.No.53 of 1989 at Sub Registrar Office, Madhuranthagam, by bequeathing the property in favour of the petitioner. The petitioner's mother-in-law died on 20.2.1990. Since then, the petitioner is in absolute possession and enjoyment of the property. In the mean time, some local persons with collusion of some Revenue officers, in respect of the above properties, wrongly transferred the patta and revenue records in their names, without any supporting documents or any notice to the petitioner. Hence, the petitioner has sent a representation to the first respondent on 3.7.2014 to conduct enquiry and cancel the patta issued in faovur of some unknown persons. This was forwarded to the second respondent by proceedings No.Na.Ka.4603/2014/Aa1/ dated 19.11.2014 to make enquiry and pass orders according to law. Inspite of the same, the second respondent has not taken any action, but only delayed the process unnecessarily. Hence, the petitioner is constrained to file this writ petition.

3. Heard the learned counsel for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 3.7.2014 by affording an opportunity of personal hearing to the petitioner as well as the necessary parties, if any, and pass appropriate orders, 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 with regard to the claim made by the petitioner and it is for the second respondent

to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The District Collector
Kancheepuram,
Kancheepuram District
2. The District Revenue Officer
Kancheepuram,
Kancheepuram District
3. The Tahsildar
Cheyyur Taluk Office
Cheyyur Taluk
Kancheepuram District

+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.22264
+1cc to the Government Pleader, S.R.No.22489

W.P.No.13193 of 2016

KSJ(CO)
CA(22/04/2016)

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