

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13571 of 2016

P.Chandra

.. Petitioner

Vs.

1. The District Collector,
Office of the Collector,
Thiruvallur District.

2. The Special Thasildar,
Special Thasildar Office,
Town Revenue Scheme,
No.1, Palaniappa Nagar,
5th Street, Madavaram,
Chennai-600 060.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to dispose of the representation, dated 10.02.2016 with reference to the proceedings of the first respondent under proceedings in Na.Ka.No.3716/2016/Aa1, dated 03.03.2016 within the stipulated period that may be prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.S.Pattabiraman, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to dispose of the representation, dated 10.02.2016 with reference to the proceedings of the first respondent under proceedings in Na.Ka.No.3716/2016/Aa1, dated 03.03.2016 within the stipulated period that may be prescribed by this Court.

2. It is the case of the petitioner that she is the absolute owner of the property purchased under registered Document No.607/1983, dated 18.02.1983 for valid sale consideration, ad-measuring 2620 Sq.Ft., on the file of the Sub-Registrar, Sembium, with reference to Madavaram Township layout house-site in Survey No.1163/2, No.34, Madavaram Village, under Plot No.1.

The said property was purchased by the petitioner by relying upon the parent document No.937 of 1982, registered on 04.03.1982 on the file of the Sub-Registrar, Sembium. The petitioner has been in continuous possession and enjoyment of the property without any interference from any sources. The petitioner filed an application on 18.02.1987 and paid the due fees before the Revenue Authority for transfer of the patta in the name of the petitioner. The said application for transfer of patta is being delayed and it is pending before the Revenue Authorities, inspite of repeated reminders to them. It is the further case of the petitioner that whenever she applied for Encumbrance Certificate, it is clearly mentioned to the Sub-Registrar Office, Sembium that the said property is still existing without any Encumbrance Certificate as on date. The petitioner again applied for name transfer of Revenue Patta on 31.03.2015 before the Revenue Authorities and the Revenue Authorities issued the proceedings under S.R.No.1778/15, dated 10.09.2015, in which, the Revenue Authority directed the petitioner to submit the parent document. Therefore, on 22.09.2015, the petitioner submitted a representation to the second respondent, along with the parent document in order to enable the Revenue Authority to effect the name transfer patta.

3. It is further stated by the petitioner that since there is further delay in issuing the name transfer patta, the petitioner made further reminder to the second respondent on 20.01.2016. The second respondent issued the proceedings in S.R.No.1778/15, dated 19.01.2016, rejecting the application on the only reason that there is no boundary existing in the land and the said proceedings were posted to the petitioner only on 03.02.2016. Subsequently, the petitioner sent another representation, dated 10.02.2016 to the second respondent, with a copy marked to the first respondent, for name transfer of patta. It is the further case of the petitioner that with regard to the petitioner's representation, dated 10.02.2016, which was received by the first respondent on 17.02.2016, the first respondent issued proceedings in Na.Ka.No.3716/2016/Aa1, dated 03.03.2016 by directing the second respondent to take appropriate action on the representation of the petitioner. Even on 31.03.2016, the petitioner made a representation to the respondents. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the second respondent to consider the said representation of the petitioner, dated 10.02.2016, conduct enquiry, afford an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and

dispose of the said representation, on merits and in accordance with law, within a period of six 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 second 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(CS-III)

True Copy

Sub-Assistant Registrar

Copy to

1. The District Collector,
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Thiruvallur District.
2. The Special Thasildar,
Special Thasildar Office,
Town Revenue Scheme,
No.1, Palaniappa Nagar,
5th Street, Madavaram,
Chennai-600 060.

+ 1 cc to Mr.G.Thangavel, Advocate, SR 22948

+ 1 cc to Govt.Pleader, High Court, Madras SR 23177

kk(co)
prk27/4

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