

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.13202 of 2013

C.Kanagasabapathi

... Petitioner

Versus

1.The Revenue Divisional Officer
Kancheepuram District.

2.The Tahsildar
Chengalpattu Taluk
Kancheepuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 10.04.2013 for issue of fresh patta by correcting the revenue records in respect of patta Nos.755, 756, 153 and 20 in respect of properties in Kolappakkam village comprised in Survey Nos.113/2B, 113/1C1, 33/3, 34/2, 35/2, 34/1, 35/1, 36, 37/1, 37/2, 40/1, 40/2 and 41/2 as per the legal heirship of late N.K.Chithambaram and dispose of the same on merits within a period to be fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.A.Kumar
Special Government Pleader

ORDER

The present writ petition has been filed by the petitioner seeking a direction to the respondents to consider the representation of the petitioner dated 10.04.2013 for issue of fresh patta by correcting the revenue records in respect of patta Nos.755, 756, 153 and 20 in respect of properties in Kolappakkam village comprised in Survey Nos.113/2B, 113/1C1, 33/3, 34/2, 35/2, 34/1, 35/1, 36, 37/1, 37/2, 40/1, 40/2 and 41/2 as per the legal heirship of late N.K.Chithambaram and dispose of the same on merits within a stipulated time.

2. Learned counsel for the petitioner submitted that the petitioner's father, who had purchased larger extent of properties, died intestate leaving behind his wife, sons and

daughters including the petitioner herein as his legal heirs. After his demise, the legal heirs permitted their mother namely, C.Janagam to manage the properties inherited by them. But the petitioner came to know that her mother got transferred the patta in respect of the said properties at Kolapakkam village in her name. It is further submitted that the patta Nos.755, 756, 153 and 20 in respect of the properties in Kolappakkam village comprised in Survey Nos.113/2B, 113/1C1, 33/3, 34/2, 35/2, 34/1, 35/1, 36, 37/1, 37/2, 40/1, 40/2 and 41/2, which were originally owned by the petitioner's father, were given in the name of his mother and the transfer of patta in respect of the said properties is illegal and based on misrepresentation. Therefore, the petitioner sent a representation, dated 10.04.2013 to the respondents to correct the revenue records and issue fresh patta in the name of legal heirs of late N.K.Chithambaram. But the respondents have wantonly delayed in issuing the patta and taking advantage of this, the said Janagam is attempting to alienate and encumber the properties based on the patta. Therefore, non issuance of patta is causing irreparable loss and hardship to him. Hence, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.Considering the prayer sought for in the writ petition and also taking into consideration of the fact that the name of the petitioner, who is also a legal heir of the original owner, has been deliberately left out in the patta and the petitioner only seeks inclusion of his name in the patta, the second respondent is directed to consider the representation of the petitioner dated 10.04.2013, after giving an opportunity of personal hearing to the petitioner and pass orders thereon, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kj

To

1. The Revenue Divisional Officer
Kancheepuram District.

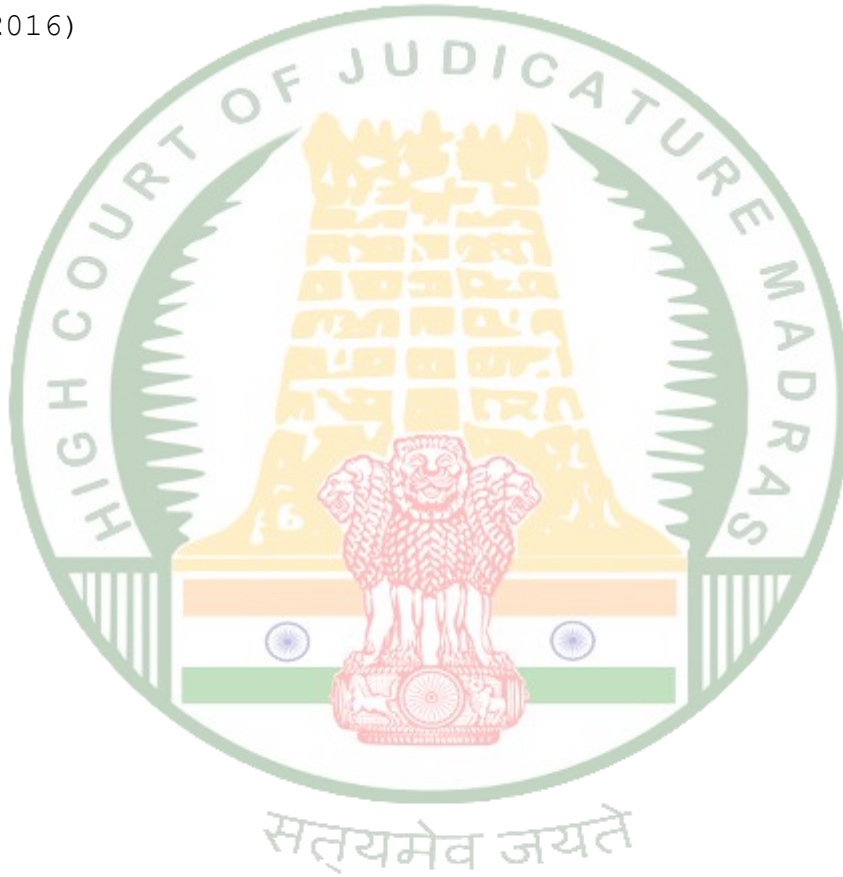
<https://hcservices.ecourts.gov.in/hcservices/>

2.The Tahsildar
Chengalpattu Taluk
Kancheepuram.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.57258
+1cc to the Government Pleader, S.R.No.57229

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RP (CO)
CA(12/11/2016)



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