

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.31419 of 2016

Mrs.Lalli

.. Petitioner

Versus

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Tahsildar
Sriperumbudur Taluk,
Kanchipuram District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to carry out mutation in revenue records and to grant patta in favour of the petitioner in respect of land covered in Patta No.:15 pertaining to Gramanatham S.No.:167/6 (old S.No.70/4 part) in No:128 Panaiyur Village, Sriperumbudur Taluk, Kanchipuram District.

For Petitioner : Mr.Y.Jyothish Chander

For Respondents : Mr.R.S.Selvam
Government Advocate

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The case of the petitioner is that the property in Gramanathan Old S.No.70/4 part, corresponding to New S.No.167/6, to an extent of 0.573 square meters is the ancestral property belonged to one Mr.Sampath Naicker and he was in exclusive possession and enjoyment of the aforesaid property. The said Sampath Kumar has also put up a thatched house and a cattle shed thereon. The aforesaid property has also been assessed to property tax and he has been paying the property tax to Ezhichur Village Panchayat. According to the petitioner, the Government of Tamil Nadu, through the Special Tahsildhar, (Natham) Sriperumbudur has also issued Patta No:15 in the name of the aforesaid Sampath Kumar. It is further stated that the petitioner has purchased the said house property from the said Sampath Naicker under a registered sale deed dated 25.06.2012 for

valid consideration vide Document No.3833 of 2012 registered on the file of SRO Sriperumbudur. Ever since the date of such purchase, the petitioner is in exclusive possession and enjoyment of the above said property. It is further stated that immediately after his purchase, the petitioner has applied for transfer of patta for the above property in his name with the second respondent. However, the second respondent did not process his application and hence the petitioner son of the petitioner also submitted a petition on 2.6.2016 in the Zamabandi held at Sriperumbudur Taluk Office, which petition was registered as No.274. In spite of the application for change of patta, repeated requests and petition in the Zamabandi, the patta to the above referred property has not been transferred to in his name. The entire property covered under Patta No.15 is purchased by the petitioner and hence there is no impediment for transfer of patta in his name. It is further stated that the petitioner sent a representation dated 15.07.2016 by registered post to the respondents requesting to transfer Patta No:15 pertaining to S.No.167/6 in No:128 Panaiyur Village, Sriperumbudur Taluk from the name of his vendor Mr.Sampath Naicker to his name. Though the said representation was received by the respondents on 16.07.2016 and 18.07.2016, no action is taken on his representation.

3. The learned counsel for the petitioner would contend that as per Section 9 of the Tamil Nadu Patta Pass Book Rules, 1987, the second respondent is bound to carry out necessary changes in the register of Patta pass Book maintained by them within 15 days of receipt of certified extracts of the entries of transfer under Section 5 (2) from the Registering authority. In the present case, the second respondent, in spite of repeated representations made by the petitioner, has not taken any steps to effect transfer of patta in the name of the petitioner.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner may be directed to be considered within a time frame.

5. Considering the facts and circumstances of the case and also considering the submissions made, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider and pass orders on the representation of the petitioner, dated.. 15.07.2016, on merits and in accordance with law, as expeditiously as possible within a period of six weeks from the date of receipt of a copy of this order.

arr/rsh

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

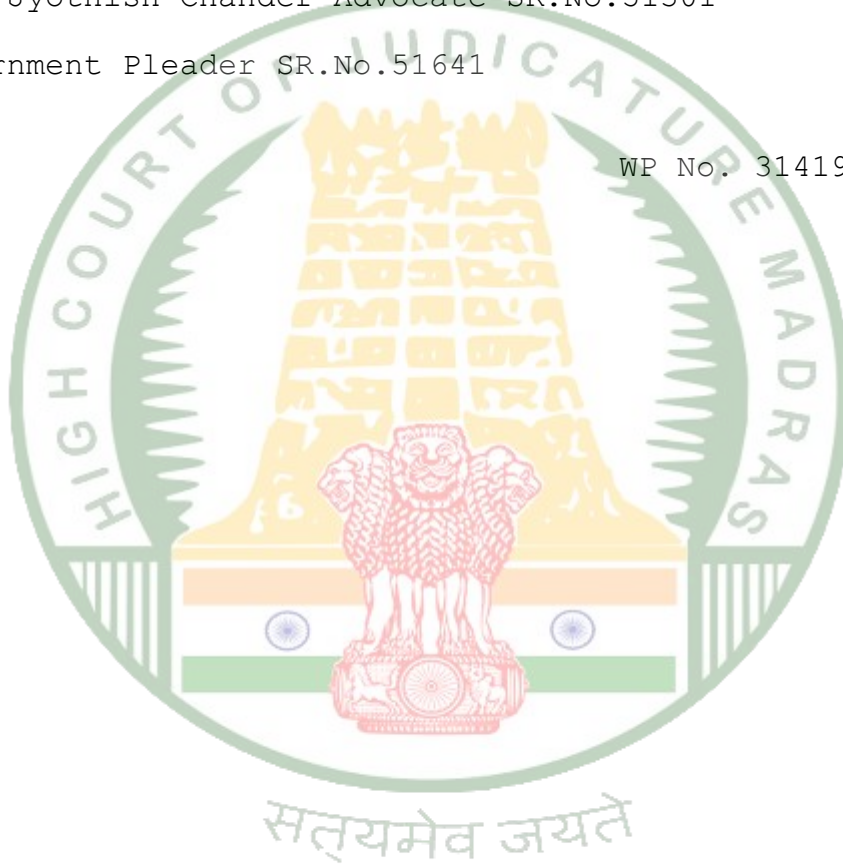
2. The Tahsildar
Sriperumbudur Taluk,
Kanchipuram District.

+1 CC Mr.Y.Jyothish Chander Advocate SR.No.51301

+1 CC Government Pleader SR.No.51641

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LRS
MSI 19/10/2016



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