

In the High Court of Judicature at Madras

Dated : 21.9.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.32976 of 2016 & WMP.No.28496 of 2016

Mr.Rajendran Thomas

...Petitioner

Vs

The Special Tahsildar, Natham
Nilavari Thittam, Tambaram Taluk,
Tambaram, Chennai-45.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to pass a considered order on the application given by the petitioner on 23.7.2016 and consequential relief by way of direction directing the respondent to issue a patta in favour of the petitioner namely Rajendran Thomas pertaining to petition property situated at Survey No.148/1, Kadaperi Village, Tambaram Taluk, Kancheepuram District measuring an extent of 7105 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.S.V.Duraisolaimalai, AGP

ORDER

Mr.S.V.Duraisolaimalai, learned Additional Government Pleader accepts notice for the respondent. Heard both.

2. The petitioner seeks a direction to the respondent to grant patta in respect of an immovable property.

3. According to the petitioner, the property in question was bequeathed in favour of one Ms.Daisy Lalitha, who is said to be the sister of the petitioner. The said bequeath was made by the petitioner's parents namely late Mr.D.A.Thomas and Mrs.Swarnambal Thomas by a registered deed dated 7.2.1976 and it is registered as doc.No.20 of 1976 on the file of the Sub-Registrar, Tambaram.

4. The grievance of the petitioner is that his sister - the said Ms.Daisy Lalitha was a spinster and she also passed away. The petitioner is the sole legal heir, who is entitled to succeed her estate. With these facts, the petitioner had gone before the

respondent by way of a representation for grant of patta. Since the said representation was not considered, the petitioner is before this Court.

5. First of all, the plea raised by the petitioner before the Special Tahsildar is thoroughly misconceived. Admittedly, there is no document to show that the petitioner is the sole legal heir of Ms.Daisy Lalitha nor there is anything to show that she is a spinster and that there are no other rival claims. Therefore, unless and until the petitioner establishes title over the property before the appropriate forum, the Tahsildar would not be in a position to adjudicate the title and should not be in a position to grant patta, as it is a settled legal principle that Revenue Authorities cannot decide title and it is for the competent forum to decide. Hence, at this juncture, the relief sought for by the petitioner cannot be granted.

6. Accordingly, the writ petition is dismissed. No costs.

7. However, it is open to the petitioner to approach the competent forum to get his title declared and then approach the Tahsildar for grant of patta. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Special Tahsildar, Natham Nilavari Thittam, Tambaram Taluk,
Tambaram, Chennai-45.

1 cc to Government Pleader vide sr.No.54462

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WP.No.32976 of 2016&
WMP.No.28496 of 2016

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