

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.3732 of 2016

Mrs.M.Josephine

.. Petitioner

Vs.

1.State of Tamil Nadu
rep by its Secretary Revenue Department
Fort St.George, Chennai-9.

2.The District Collector
Kancheepuram Taluk and District.

3.Revenue Divisional Officer
Kancheepuram Taluk and District

3.Tahsildar
Sriperumpudur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 3rd respondent to dispose the enquiry for change of patta and other records in the petitioner name.

For Petitioner : M/s.A.Asokan

For respondents: Mr.S.Navaneethan, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the 3rd respondent to dispose the enquiry for change of patta and other records in the petitioner name.

3.The petitioner state that late Bashyam Shanthaiah Naidu who was none other than the great grand father of the petitioner owns land measuring to an extent of 10.22.5 hectares in Survey No.19/1B in Vittavidagi Village, Sriperumpudur Taluk, Kancheepuram. Mr.Bashyam Balaiah Naidu who was the grant father of the petitioner

succeeded the estate as stated above and died on 14.01.1972, leaving behind his only son Bashyam Lourdu Naidu to succeed the estate of Mrs.Seshammal who was the wife of late Bashyam Lourdu Naidu succeed his estate and died on 25.02.1987, leaving behind her two daughters namely M.Josephine/petitioner herein and Mrs.Amalorvaparamary who died on 23.01.1996, as her legal heirs. Therefore, the petitioner is entitled to succeed half share in the property in S.No.19/1-B.

4.The above stated lands were purchased by late Bashyam Shanthaiah Naidu under various sale deeds. After his death the revenue records were transferred to his only son by name Bashyam Balaiah Naidu. After his death it was mutated in the name of Bashayam Lurudu Naidu and he was in possession and enjoyment till his death i.e, 24.04.1981. Thereafter, it was in peaceful possession and enjoyment of the same by the petitioner's and her sister's legal heirs. During updating of land records, it was found by the petitioner that the patta and other land records are all changed in the name of the petitioner's father Bashyam Lourdu Naidu till 1987. Thereafter, it was changed in the third party's name for the reasons best known to the respondents 3 and 4. Then, the petitioner's gave a representation on 07.07.2015 to the respondents 3 and 4, an enquiry was conducted on 27.02.2015, subsequently, it was adjourned to time to time for further enquiry. Since, the petitioner left with no other option filed the present writ petition.

5.This Court directs the third respondent to conduct enquiry and dispose of the petitioner's representation dated 07.07.2015 within a period of eight weeks, from the date of receipt of a copy of this order, on merits and in accordance with law after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.Secretary Revenue Department
State of Tamil Nadu
Fort St.George, Chennai-9.

2.The District Collector
Kancheepuram Taluk and District.

3.Revenue Divisional Officer
Kancheepuram Taluk and District

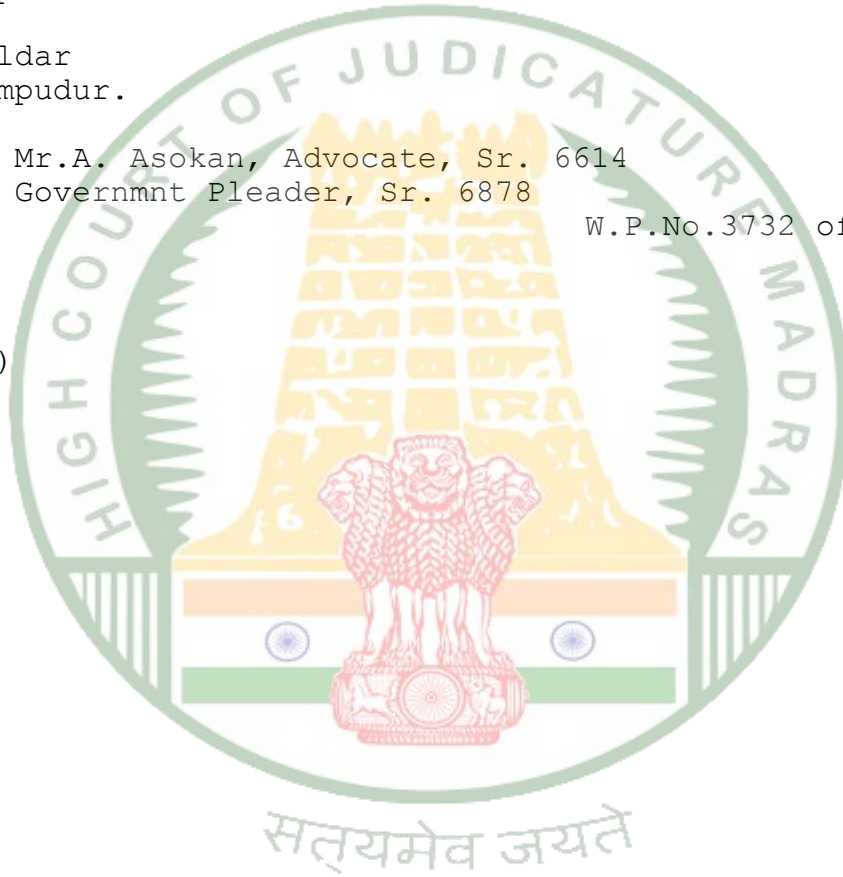
4.Tahsildar
Sriperumpudur.

2 cc to Mr.A. Asokan, Advocate, Sr. 6614

1 cc to Governmnt Pleader, Sr. 6878

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