

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5493 of 2016

D.Priya

... Petitioner

vs.

1. The District Collector,
Chennai.

2. The Tahsildar,
Mylapore Taluk,
Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to conduct enquiry on the application dated 20.2.2015 as per his receipt number 1592 for mutation of patta in accordance with law and make necessary mutation entries in the Patta transfer register within the time frame stipulated by this Court.

For Petitioner : Mr.N.Ananthapadmanaban

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the second respondent to conduct enquiry on her application dated 20.2.2015 as per his receipt number 1592 for mutation of patta in accordance with law and make necessary mutation entries in the Patta transfer register within the time frame stipulated by this Court.

3. It is the case of the petitioner that her great grand father by name Mahant Prayogadoss Jeevaru purchased the properties in Survey No.3809 related to

corresponding previous survey numbers 937, 938, 939 part and resurvey numbers 3800, 3801, 3802, 3805, 3806 and 3810 measuring to an extent of 5 cawnies, 12 grounds and 474 sq.ft. in the year 1930 by means of an order issued by this Court vide certificate dated 11.3.1930. Thereafter, the District Collector, Chennai had issued orders in respect of those properties vide reference numbers 546, 545, 2363, 544, 108, 543 and 1113. Her great grand father was in absolute possession and enjoyment of the said properties after getting patta in his name, without any hindrance or disturbance from anyone. After his demise, the petitioner's grand father, as the absolute owner of the said properties, had alienated a major portion by executing a sale deed dated 17.8.1953 by means of registered document No.677/1953 found in Book 1 Volume 72, page Nos.202 to 208, in the office of the Sub Registrar, Thiagarayanagar. After such alienation, 5 grounds and 1394 sq.ft. of land remained in his possession and he was enjoying the same. After her grand father, her father Digya Darshandoss Jeevaru was in possession and enjoyment of the said properties. After his death, the petitioner made an application to the second respondent seeking mutation of patta in her name and his brother's name by producing all the title deeds and other documents with previous patta records. The second respondent received the same on 20.2.2015 and issued a receipt bearing Sl.No.1592. But, till date, the second respondent has not taken any action on the said application. Hence, the petitioner has come up with the present writ petition seeking a direction the second respondent to conduct enquiry on her application dated 20.2.2015 as per his receipt number 1592 for mutation of patta in accordance with law and make necessary mutation entries in the Patta transfer register within the time frame stipulated by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the application of the petitioner dated 20.2.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the second respondent to

consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Chennai.

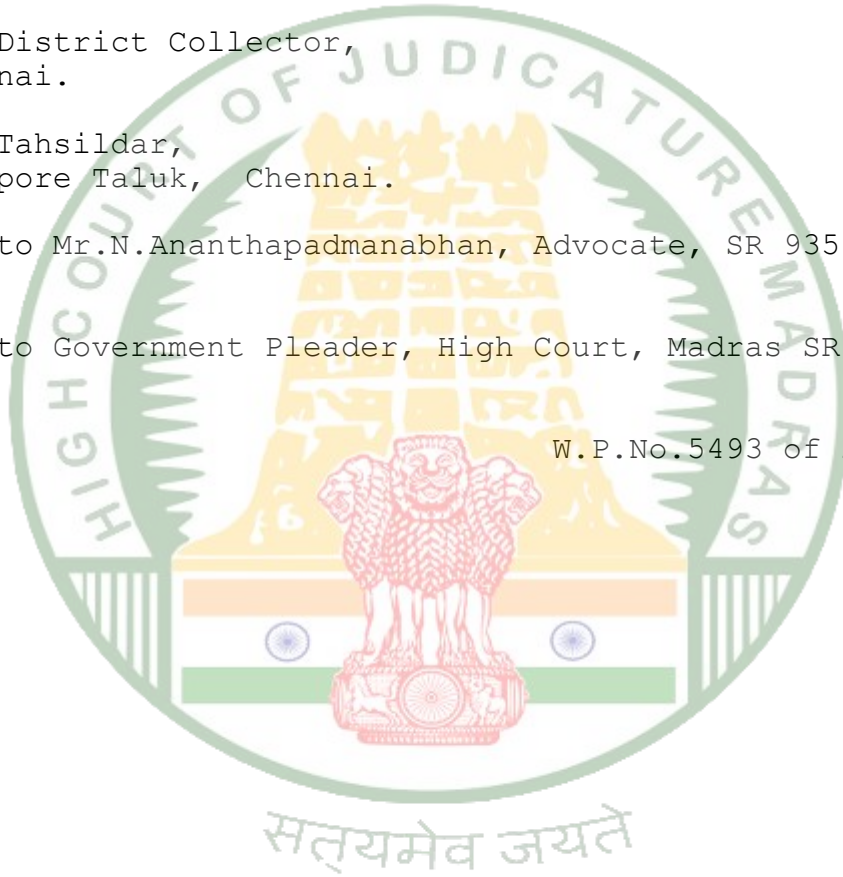
2. The Tahsildar,
Mylapore Taluk, Chennai.

+ 1 cc to Mr.N.Ananthapadmanabhan, Advocate, SR 9350

+ 1 cc to Government Pleader, High Court, Madras SR 9638

gj (co)
prk2/3

W.P.No.5493 of 2016



WEB COPY