

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5552 of 2016

Usha

... Petitioner

vs.

1.The Tahsildar,
Chengalpattu Taluk Office,
Kancheepuram District.

2.The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

3.The District Collector,
Kancheepuram,
Kancheepuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 to 3 to issue patta on the name of the petitioner D.Usha around 20 cents in Old Survey No.49/1 and New Survey No.54/1J in Kadampur Village, Chengalpattu Taluk.

For Petitioner : Mr.K.Srinivasan

For Respondents : Mr.P.Sanjay Gandhi,
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 respondents herein to issue patta in her name - D.Usha to an extent of around 20 cents in Old Survey No.49/1 and New Survey No.54/1J in Kadampur Village, Chengalpattu Taluk.

3. It is the case of the petitioner that her husband V.Desingu purchased Natham land measuring to an extent of 26 cents from one Thirunavukarasu, K.M.Vedakiri Mudaliar and

K.S.Kumerasa Mudaliar and from the date of purchase, her family has been enjoying the said land. Thereafter, on 6.3.2006, her husband executed a gift deed in her favour in respect of the above said land. Later, the petitioner transferred 10 cents out of 26 cents of land gifted by her husband in Old Survey No.49/1 and new Survey No.54/17 to her brother in law. Now, the petitioner is enjoying 16 cents of land along with 4 cents of Natham land adjacent to Survey No.54/1J. She made several representations dated 20.12.2012, 30.5.2013, 28.7.2015 and 7.5.2015 to the first respondent to issue patta in her name for the Natham house site. But, till date, the first respondent has not considered the said representations. Hence, the petitioner has come with the present writ petition seeking a direction to the respondents to issue patta in her name - D.Usha to an extent of around 20 cents in Old Survey No.49/1 and New Survey No.54/1J in Kadampur Village, Chengalpattu Taluk.

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 respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 7.5.2015 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 six 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 first 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.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Tahsildar,
Chengalpattu Taluk Office,
Kancheepuram District.

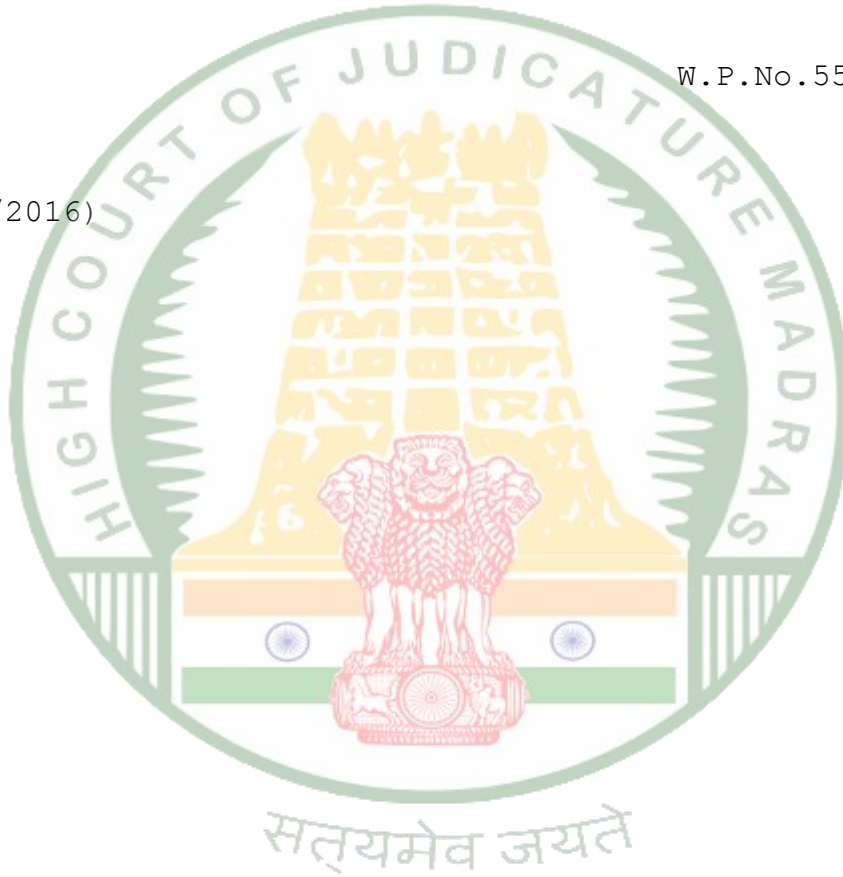
2.The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

3.The District Collector,
Kancheepuram,
Kancheepuram District.

+1cc to M/S.K.Srinivasan, Advocate, S.R.No.10008
+1cc to the Government Pleader, S.R.No.9964

W.P.No.5552 of 2016

ak(CO)
srg(04/03/2016)



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