

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9255 of 2016

1.K.Suresh
2.S.Niranjana

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Tambaram, Chennai-45.

2.The Tahsildar,
Tambaram, Chennai-45.

3.The Special Tahsildar,
Natham Settlement Scheme,
Tambaram, Chennai-45.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to register the patta issued in favour of the petitioners in Patta No.395 and 396 in Village Patta Register which still vacant in the Patta Register.

For Petitioners : Mr.S.Ilamvaludhi
For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus directing the respondents to register the patta issued in favour of the petitioners in Patta Nos.395 & 396 in Village Patta Register.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

The petitioners herein are the husband and wife. The 1st petitioner's father N.K.Krishnamurthy Naidu was in possession of huge land at Madampakkam Village of Paduvancheri. There was

a dispute among the family members of the 1st petitioner's grandfather. Thereafter, the petitioner's father had purchased the entire property from his mother. The 1st petitioner's parents viz., N.K.Krishnamoorthy Naidu and Tmt.Kamaleswari settled a property situated in Survey No.442 in favour of the 1st petitioner. Thereafter, the 1st petitioner settled a portion of the property at Paduvancheri Village of Madambakkam in favour of his wife namely the 2nd petitioner herein which was also duly registered in the office of the Sub-Registrar, Tambaram as Document No.8447/2009, dated 24.12.2009. Though the property stands in names of the petitioners, patta was not issued in favour of them. In this regard, on 09.01.2015, the petitioners have given representation to the Tahsildar, Tambaram. In fact, the Tahsildar, Tambaram by his proceedings in D.O.Letter vide Na.Ka.No.2466/2015/A3 dated Nil.04.2015 referred the matter to the Revenue Inspector of Madambakkam to ascertain the position and report the same to him. Pursuance to his representation dated 09.01.2015, the Revenue Divisional Officer, Tambaram also sent a letter to the Tahsildar Tambaram vide O.Mu.No.105/2015 A dated 19.01.2015 and another letter addressed in O.Mu.No.104/2015 dated 31.01.2015 sent to the Tahsildar, Tambaram to investigate the matter and report the same. The 1st petitioner was asked to produce the legal heir certificate and other connected documents for the perusal of the authorities concerned and the 1st petitioner submitted all the details to them. Thereafter, the Special Tahsildar, Natham Settlement Scheme Tambaram issued a patta Nos.395 & 396 on 12.07.2011 in favour of the petitioners, classifying as "Manai Vari Patta". Though pattas were issued in favour of the petitioners, the same was not entered in the Vilalge Patta Register. Hence, the petitioners made a representation to the respondent. Since the representation of the petitioners was not considered by the respondents, the petitioners have come forward with the present writ petition before this Court.

3.Heard both sides and perused the materials available on record.

4.Considering the facts and circumstances of the case, this Court passes the following order_

The petitioners are directed to give a fresh representation to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 3rd respondent is directed to consider the same and pass appropriate order, by affording opportunity of personal hearing to the petitioner as well as all other necessary parties, if any, on merits and in accordance with law, within a period of six weeks thereafter.

With the above terms, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer,
Tambaram, Chennai-45.
- 2.The Tahsildar,
Tambaram, Chennai-45.
- 3.The Special Tahsildar,
Natham Settlement Scheme,
Tambaram, Chennai-45.

+1cc to M/S.S.Ilamvaludhi, Advocate, S.R.No.15795

W.P.No.9255 of 2016

rsi (CO)
srg (17/03/2016)

सत्यमेव जयते

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