

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4245 of 2017

Mrs.Rathna

.. Petitioner

vs.

1. The District Collector
Thiruvannamalai.

2. The Tahsildar
Chengam Taluk
Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents to issue patta in favour of the petitioner based on application dated 16.06.2015 in respect of agricultural land in S.No.13/3A2B measuring an extent of 2 acres, situated in Pachal Village, Chengam Taluk, Thiruvannamalai District and as per the Settlement Deed document No.2464 of 2015 dated 05.05.2015 within a stipulated time and pass further orders.

For Petitioner : Mr. N. Naganathan

For Respondents: Mr. S. Rajeswaran,
Spl. Government Pleader

ORDER

Mr. S. Rajeswaran, learned Special Government Pleader, takes notice for respondents 1 and 2.

2. The petitioner has filed this writ petition seeking for a direction to the respondents to issue patta in favour of the petitioner based on her application dated 16.06.2015 in respect of the agricultural land in S.No.13/3A2B, measuring an extent of 2 acres, situated in Pachal Village, Chengam Taluk, Thiruvannamalai District and as per the Settlement Deed document No.2464 of 2015 dated 05.05.2015, within a stipulated time.

3. Learned counsel for the petitioner submitted that the petitioner's husband acquired the agricultural land in S.No.13/3A2B, measuring an extent of 2 acres, situated in Pachal Village, Chengam Taluk, Thiruvannamalai District, by virtue of a registered settlement deed dated 08.06.2012. Thereafter, the subject property was settled in favour of the petitioner by her husband, on 05.05.2016 and so the petitioner applied for transfer of patta in her name. She submitted an application on 16.06.2015 to the 2nd respondent/ the Tahsildar Chengam District, along with the necessary charges. Since no action was taken on her application, she made a representation to the 1st respondent on 07.09.2015 and 07.11.2016. Learned counsel further submitted that as per Section 5(3) of the Tamil Nadu Patta Pass Book Act, 1983, the 2nd respondent ought to have transferred the patta within 15 days from the date of receipt of the application. Due to the inaction on the part of the respondents, the petitioner has come up with this writ petition. However, today when the matter was taken up for hearing, learned counsel for the petitioner submitted that it would suffice, if the respondents are directed by this Court, to consider her application dated 16.06.2015, requesting transfer of patta in the name of the petitioner.

4. Mr. S. Rajeswaran, learned Special Government Pleader representing the respondents submitted that if the said application of the petitioner is still pending before the 2nd respondent and if it is in order, the same would be considered, in accordance with law.

5. Heard learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

6. Considering the limited scope of prayer, sought by the learned counsel for the petitioner, without going into the merits of the case, the 2nd respondent is directed to consider the application dated 16.06.2015 of the petitioner, on merits and in accordance with law, as expeditiously as possible, not later than 12 weeks from the date of receipt of a copy of this order, after providing an opportunity to the concerned parties. The petitioner is directed to submit a copy of her representation along with the copy of this order.

7. With the above direction, the Writ Petition is disposed of, at the stage of admission itself. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

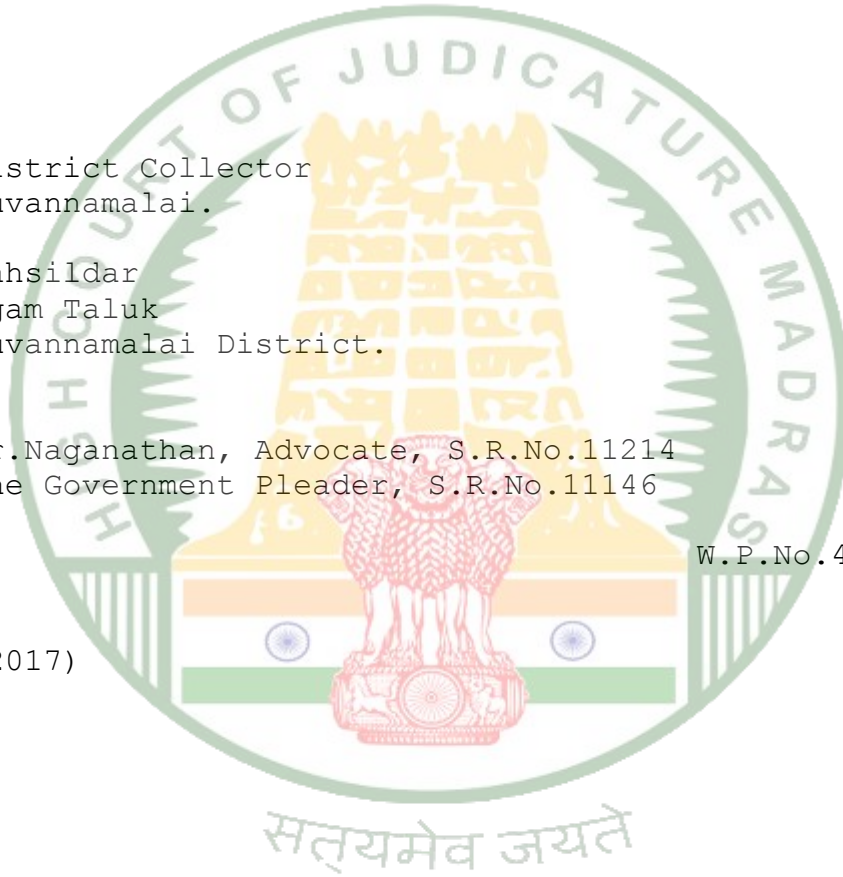
1. The District Collector
Thiruvannamalai.
2. The Tahsildar
Chengam Taluk
Thiruvannamalai District.

+1cc to Mr.Naganathan, Advocate, S.R.No.11214

+1cc to the Government Pleader, S.R.No.11146

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KK (CO)
RS (04/04/2017)



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