

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4518 of 2017

Vendamani

... Petitioner

vs.

1. The District Collector,
O/o.The District Collector,
Vellore District,
Vellore.
2. The Tahsildar,
Anaicut Taluk Office,
Anaicut, Vellore District.
3. The Village Administrative Officer,
Ussoor Village,
Anaicut Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 2nd respondent to process the petition dated 25.07.2016 submitted to the 2nd respondent for getting Patta in the petitioner's name.

For Petitioner : Mr.N.Srinivasalu

For Respondents : Mr.R.S.Selvam,
Government Advocate

ORDER

The petitioner seeks a direction to the 2nd respondent to process the petition dated 25.07.2016 submitted to the 2nd respondent for getting Patta in her name.

2. According to the petitioner, she is the absolute owner of the property situated at No.83, Thellur Village vide Survey No.274/3, measuring an extent of 0.76.0 Ares (Acre 1.88) cents), Vellore Division, Vellore Sub-Registrar Office, Vellore. Originally, the said property belonged to one Sundar, who

executed a Sale Agreement in favour of the petitioner's husband viz. N.Velu, on 04.06.1999 in respect of the aforesaid property. When the said Sundar failed to execute the Sale Deed in favour of her husband, the latter filed a suit in O.S.No.385 of 1999 before the Subordinate Court at Vellore against the vendor Sundar under the Specific Relief Act. The said suit was decreed on 08.01.2013. After such decree, an Execution Petition had been filed in E.P.No.172 of 2001 before the Subordinate Judge, Vellore, whereby, the Sale Deed was executed in favour of her husband on 28.01.2003 vide Document No.484/2003. Thereafter, the Court delivered possession of the said property in favour of her husband.

3. It is the case of the petitioner that her husband executed a registered settlement deed on 15.10.2013 in her favour vide Document No.12104/2013 in respect of the above property. Thereafter, when the petitioner approached the 2nd respondent by submitting an application on 25.07.2016 along with necessary documents seeking issuance of Patta in her name, in respect of the schedule property, she learnt that the entire process of issuing Patta has been stalled in the guise of a Lawyer's notice from Sundar's counsel. Hence, having no other alternative, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. In view of the above, without expressing any opinion on the merits of the case, this Court directs the 2nd respondent to consider the petitioner's Petition dated 25.07.2016 seeking issuance of Patta in her favour in respect of the subject property on merits and in accordance with law, after issuing notice to the parties concerned, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

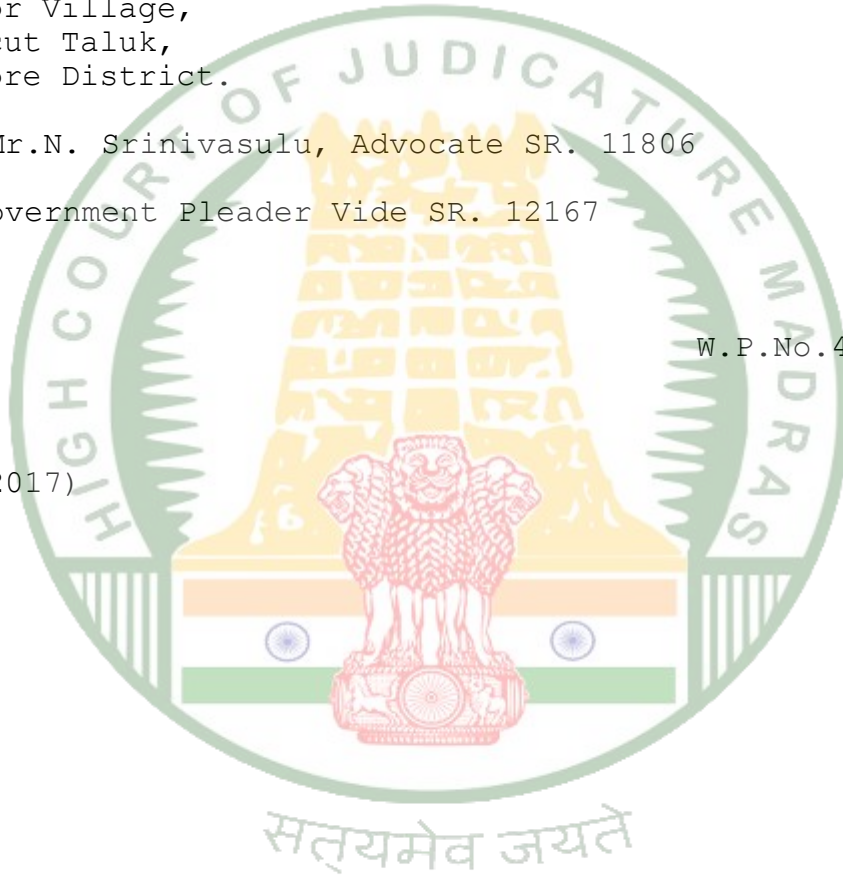
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+2ccs to Mr.N. Srinivasulu, Advocate SR. 11806

+1cc to Government Pleader Vide SR. 12167

Order in
W.P.No.4518 of 2017

SSI(CO)
VR(06/03/2017)



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