

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8078 of 2018

Jayanthi

.. Petitioner

-vs-

1.The District Collector,
Vellore District.

2. The Revenue Divisional Officer,
Arakonnam Division,
Vellore District.

3.The Tahsildar,
Nemili Taluk,
Vellore District.

4. B.Veeraraghavan
Respondents
2.

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3rd respondent to consider and dispose of the representation of the petitioner's husband dated 30.6.2017 in a time bound manner.

For Petitioner :: Mr.S.Saravanakumar

For Respondents :: Mr.I.Satish,
Additional Government Pleader

ORDER

The petitioner seeks a direction to the 3rd respondent to consider and dispose of the representation of the petitioner's husband dated 30.6.2017 in a time bound manner, wherein the petitioner's husband made a request to issue patta after effecting name transfer on his name to the property purchased by him.

2. Learned Counsel for the petitioner submitted that the

husband of the petitioner, namely, V.Dhanasekar purchased a vacant land measuring an extent of 4 acres in Kunnathur Village, Arakonam Taluk from the 4th respondent. After paying the advance amount by her husband, a Sale Deed was registered on 13.12.2007. Since the 4th respondent failed to execute the sale deed in favour of her husband, a suit in O.S.No.330 of 2010 on the file of the Subordinate Judge, Arakonam was filed and the same was decreed in favour of her husband by judgment and decree dated 25.1.2011. Thereafter, E.P.No.34 of 2015 was also filed on the file of the Sub-Court, Ranipet by paying the balance amount and the said sale deed was executed in favour of her husband vide Document No.3493 of 2015. Subsequently, delivery was ordered and her husband was given possession and thus, he became the absolute owner of the said property.

3. The learned Counsel for the petitioner further submitted that while so, for mutating the revenue records, her husband had sent Online application to the 3rd respondent requesting for transfer of patta on 30.6.2017. But there was no response for the same. In the meanwhile, her husband passed away on 12.12.2017 in a road accident leaving her, his son and daughter and his father as his legal representatives. Hence, the present Writ Petition.

4. Learned Counsel for the petitioner also submitted that after the death of her husband, by producing his Death Certificate dated 12.12.2017, the petitioner obtained legal heir certificate dated 18.1.2018 from the Tahsildar, Walajah Taluk, Vellore District and also tried to ignore the Online Application dated 30.6.2017 and submit a fresh Online Application, But, that could not be filed. Hence, the learned Counsel seeks an appropriate direction from this Court to issue the patta in her name.

5. Learned Additional Government Pleader, who takes notice for the respondents 1 to 4 submitted that a direction may be given to the petitioner to submit a fresh application enclosing a copy of the Sale Deed, Death Certificate of her husband and Legal Heir Certificate for transferring the name of the vendor in respect of the property in her name and also sought three weeks time to consider the said representation on receipt of the same.

6. Recording the said submission of the learned Additional Government Pleader, this Court directs the petitioner to submit a fresh representation to the 3rd respondent, namely, the Tahsildar, Nemili Taluk, Vellore District directly, enclosing a copy of the Sale Deed, Death Certificate of her husband and Legal Heir Certificate and other relevant documents concerned with the property in dispute, within a period of one

week from the date of receipt of a copy of this Order and on receipt of the same, the 3rd respondent is directed to consider and pass appropriate order on the same on merits and in accordance with law, within a period of three weeks thereafter.

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

Sd/-
Assistant Registrar (Audit)

//True copy//

Sub Assistant Registrar

tsi

To

1.The District Collector, Vellore District.

2. The Revenue Divisional Officer,
Arakonnam Division, Vellore District.

3.The Tahsildar,
Nemili Taluk, Vellore District.

+1cc to Mr.I.Abrar Md Abdullah, Advocate SR.No.25580

KS (CO)
GN(18/04/2018)

W.P.No.8078 of 2018

सत्यमेव जयते

WEB COPY