

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14118 of 2018

Valliammal

... Petitioner

Vs.

1.The Collector,
District Collector Office,
Vellore, Vellore District - 9.

2.The Tahsildar,
Wallajah Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to pass orders on the petitioner's representation dated 24.10.2017 sent by her requesting to transfer the said patta Ref.: D.K.T. No.9/1407 Dt.04.09.1997 in her favour by making necessary entries in the village accounts in respect of the property comprised in S.No.392/2 measuring 0.02.0 hectares and S.No.393/3 measuring 0.19.5 hectares situated at Kannikapuram Village, Wallajah Taluk, Vellore District by furnishing the copy of the transferred patta to her.

For Petitioner : Mr.N.Nagu Sah

For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed seeking Mandamus to direct the 2nd respondent to pass orders on the petitioner's representation dated 24.10.2017 sent by her requesting to transfer the patta Ref.: D.K.T. No.9/1407 Dt.04.09.1997 in her favour by making necessary entries in the village accounts in respect of the property comprised in S.No.392/2 measuring 0.02.0 hectares and S.No.393/3 measuring 0.19.5 hectares situated at Kannikapuram Village, Wallajah Taluk, Vellore District by furnishing the copy of the transferred patta to her.

2.Heard the learned counsel on both sides.

3.The learned counsel appearing for the petitioner submitted that the land comprised in S.No.392/2 measuring 0.02.0 hectares and S.No.393/3 measuring 0.19.5 hectares

situated at Kannikapuram Village, Wallajah Taluk, Vellore District were originally allotted to her husband late Perumal Achari by the State Government. Thereafter, the 2nd respondent had also issued D Patta in Ref:D.K.T.9/1407 dated 04.09.1997 in respect of the property in favour of her husband.

4.Although D Patta was issued by the 2nd respondent in favour of the petitioner's husband, necessary entries in the village accounts were not made in favour of her husband during his life time in respect of the said property. The petitioner's husband had also given a representation dated 30.01.2014 to the 1st respondent, requesting to take steps to make necessary entries in the village accounts in his favour. The 1st respondent, through his letter dated 10.02.2014, had forwarded the said representation dated 30.01.2014 to the 2nd respondent, directing him to take necessary action on the above representation. But the 2nd respondent had not taken any steps inspite of the direction given by the 1st respondent, the District Collector.

5.In the meanwhile, unfortunately, the petitioner's husband Perumal Achari had died intestate on 15.09.2016, leaving behind the petitioner as his sole surviving legal heir to succeed his estate. The legal heirship certificate dated 30.05.2017 also clearly shows that the petitioner is the only legal heir of her husband.

6.After the death of her husband, the petitioner had given a fresh representation on 24.10.2017 to the 2nd respondent, enclosing the legal heirship certificate, requesting to transfer the said Patta in her name by making the necessary entries in the village accounts. But till date, no response is forthcoming. Hence, the petitioner has come up with the present Writ Petition.

7.The learned Special Government Pleader appearing for the respondents submitted that though D Patta has been issued with certain conditions, the petitioner's representation would be considered on merits within a period of four weeks.

8.Recording the submission, the Writ Petition is disposed of, by directing the 2nd respondent, the Tahsildar, to consider the representation of the petitioner dated 24.10.2017 and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

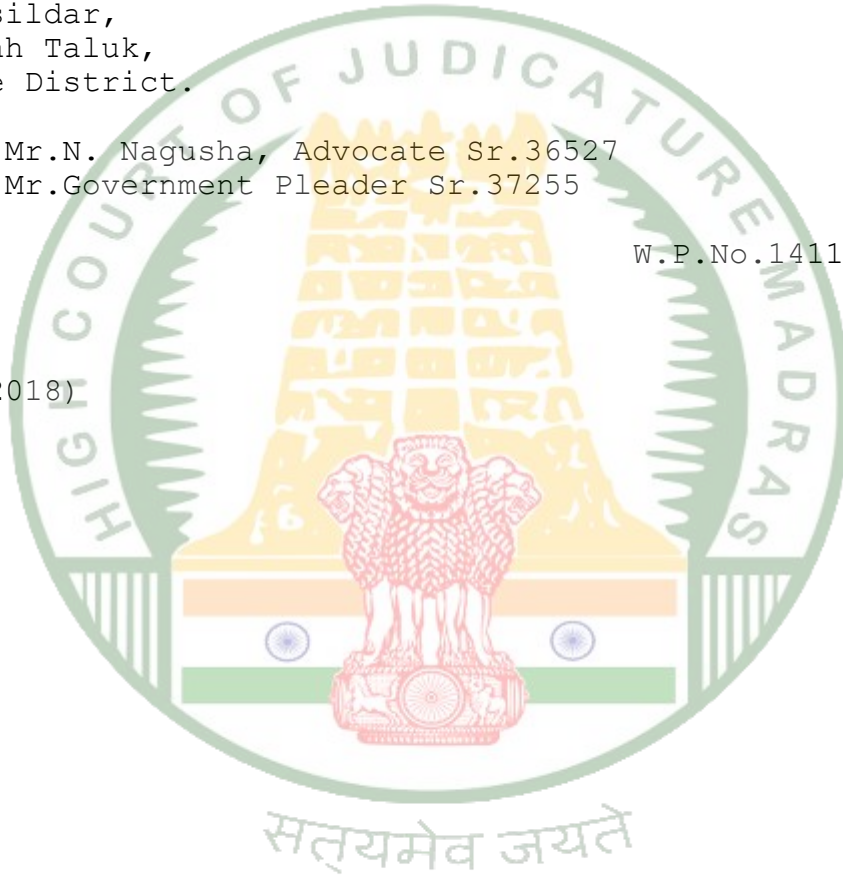
1.The Collector,
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2.The Tahsildar,
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Vellore District.

+ 1 cc to Mr.N. Nagusha, Advocate Sr.36527
+ 1 cc to Mr.Government Pleader Sr.37255

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(CS-DR)
EU(29/06/2018)



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