

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18670 of 2018

N.Lathamagesh

.. Petitioner

-vs-

1. The District Collector
Kancheepuram District

2. The Tahsildar
Cheyyur (08) Taluk
Kancheepuram (03) District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 17.08.2016 and 10.04.2017 for sub division transfer of patta in respect of property situate at No.116, Kodur Village, Ilathur Union comprised in Old Survey No.20/1B3 and now the present survey No.20/1B3A measuring 1.00 acre in favour of the petitioner.

For Petitioner :: Mr.C.T.Mohan

For Respondents:: Mrs.P.Rajalakshmi

Additional Government Pleader

ORDER

The petitioner claims to be the owner of the land covered in Survey No.20/1B3A having an extent of 1.03.5 hectares (2 acres, 56 cents) situate at No.116, Kodur Village, Ilathur Union, Kancheepuram District. The learned counsel for the petitioner submitted that originally this land was purchased by the petitioner's husband Mr.D.Nandagopal under a registered sale deed dated 7.10.2013 from his vendor Mr.G.Rajendran. After sometime, the said land was also settled in favour of the petitioner by her husband under a registered settlement deed dated 22.6.2016 bearing Document No.1657 of 2016. In the meanwhile, the petitioner's husband Mr.D.Nandagopal also approached the revenue department and obtained patta in his favour on 21.6.2016. A perusal of the copy of the online patta enclosed at page 42 of the typedset clearly shows that the petitioner's husband Mr.D.Nandagopal was the pattadhar. Therefore, when the said land also has been subsequently transferred in the name of the petitioner, who is the wife of Mr.D.Nandagopal under a registered settlement deed dated 22.6.2016 and moreover the encumbrance certificate also reflects no encumbrance over the said land, this Court finds no justification on the part of the respondents in not considering

the request of the petitioner dated 17.8.2016 and 10.4.2017 for transfer of patta in her name.

2. The learned Additional Government Pleader for the respondents requested this Court to direct the petitioner to apply through online mentioning all the particulars, namely, patta number, date of settlement, identity of the petitioner etc., for transfer of the patta in her name, which will be looked into by the second respondent.

3. Since the sale deed dated 7.10.2013 clearly shows that the petitioner's husband Mr.D.Nandagopal was the purchaser of the land and based on the sale deed, when the petitioner's husband has settled the said property in favour of the petitioner under a registered settlement deed dated 22.6.2016 and that the online patta No.731 issued in favour of the petitioner's husband dated 21.6.2016 also clearly shows that the petitioner in all fairness is entitled to receive the transferred patta, this Court hereby directs the petitioner to apply through online mentioning all the particulars, namely, patta number, date of settlement, identity of the petitioner etc., for transfer of the patta in her name within a week from the date of receipt of a copy of this order and on receipt of the said application through online, the second respondent shall consider the same and do the needful in accordance with law, within a period of two weeks thereafter. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(co)

// True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Kancheepuram District

2. The Tahsildar
Cheyyur (08) Taluk
Kancheepuram (03) District.

+1cc to Mr.C.T.Mohan Advocate SR.No.49141

+1cc to Government Pleader SR.No.49998

VBA (CO)

sm:6.8.2018

W.P.No.18670 of 2018