

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 22852 of 2019

V.Ezhilarasi

... Petitioner

Vs

1.The District Collector,
Kanchipuram,
District Collectorate,
Kanchipuram District.

2.The Tahsildar,
Sholinganallur,
Kanchipuram District 600 119.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing second respondent to consider the application dated 03.04.2018 and grant patta in respect of Plot No.50, Shanthi Nagar, measuring the extent of 2400 Sq.ft comprised in Old Survey No.450/3, Survey No.450/3F vide approved Layout by CMDA pps/L.O. No.3/1980 at Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr. A.S.Kailasam
for M/s.A.S.Kailasam and Associates

For Respondents: Mr. S.N.Parthasarathi
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of the Writ of Mandamus directing the second respondent to process the application filed by the petitioner who is seeking for the grant of patta in respect of Plot No.50, Shanthi Nagar, measuring the extent of 2400 Sq.ft comprised in Old Survey No.450/3, Survey No.450/3F vide approved Layout by CMDA pps/L.O. No.3/1980 at Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District.

2. The case of the petitioner is that originally there was a common ancestor for Plot Nos.49, 50, 54 and 55. Plot Nos.49, 54 and 55 was sold in favour of some other persons by registered sale deed dated 15.10.2012. In so far as, Plot No.50 is concerned, the same was purchased by the husband of the petitioner by way of registered sale deed dated 14.06.2012.

3. According to the petitioner, the purchasers of the property of Plot Nos. 49, 54 and 55 have made an application seeking for patta and patta was also granted in their favour by the second respondent. The petitioner has also made an application seeking for patta on 03.04.2018. The grievance of the petitioner is that the application has not been processed till date and the petitioner has not been granted patta. Incidentally, the petitioner became the owner of the property by virtue of registered settlement deed dated 19.09.2013 executed by her husband.

4. Learned Government Advocate appearing on behalf of the respondents submitted that due to bifurcation, the jurisdiction is now vested with the Tahsildar, Tambaram to consider the patta application pertaining to the property in question. Learned counsel, therefore, submitted that the petitioner can be permitted to make fresh application to the Tahsildar, Tambaram and the same will be considered and appropriate orders will be passed within the time fixed by this Court.

5. Learned counsel for the petitioner submitted that all the four plots have emanated from the common ancestor and in so far as, three plots are

concerned, the patta has been granted in favour of the purchasers and therefore, there is no reason as to why the patta should be denied to the petitioner who is the owner of plot No.50. In other words, learned counsel submitted that the petitioner must be treated equally and she must also be issued patta for Plot No.50.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this Writ Petition, there shall be a direction to the petitioner to submit a fresh application to the Tahsildar, Tambaram, seeking for patta. The petitioner shall also file a copy of the patta that has been issued for Plot Nos.49, 54 & 55 and the Tahsildar, Tambaram, on receipt of the application, shall immediately process the application in line with the earlier pattas that was issued for the other plots and necessary orders shall be passed within a period of four weeks from the date of application made by the petitioner. The petitioner shall file a copy of this

order along with the application to be filed before the Tahsildar, Tambaram.

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

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The District Collector,
Kanchipuram,
District Collectorate,
Kanchipuram District.

2.The Tahsildar,
Sholinganallur,
Kanchipuram District 600 119.

+1cc to Mr.A.S.Kailasam, Advocate, Sr.No.19069.

+1cc to The Government Pleader, Sr.No.18754.

W.P. No. 22852 of 2019

klt (21/05/2020)