

In the High Court of Judicature at Madras

Dated : 20.1.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.11780 of 2017

N.K.Pattammal

...Petitioner

Vs

1.The District Collector,
Kanchipuram, Kanchipuram District.

2.The Tahsildar, Thirukazhukundram
Taluk, Kanchipuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.4.2017 to grant patta to her land in S.No.187/1 admeasuring 2.60 acres situated at Mahabalipuram Village, Kanchipuram District.

For Petitioner : Mr.B.Anbuechezheian

For Respondents: Mr.M.D.Ilayaraja, GA

ORDER

I have heard Mr.B.Anbuechezheian, learned counsel for the petitioner and Mr.M.D.Ilayaraja, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking a direction to the respondents to consider her representation dated 20.4.2017 and grant patta in respect of S.No.187/1 admeasuring 2.60 acres situated at Mahabalipuram Village, Kanchipuram District.

3. The case of the petitioner is that she is the wife of one Mr.N.R. Kanniappan, who along with his father and brothers entered into a deed of partition on 23.3.1960 and by virtue of the said partition deed, the petitioner claims that she is entitled to a portion of the property, which was allotted to her

husband more fully described in B-Schedule to the deed of partition dated 23.3.1960. Therefore, the petitioner would state that she is entitled for the grant of patta in her favour and accordingly, she sent a representation through registered post. Alleging that the representation sent by her has not been considered, the petitioner is before this Court by way of this writ petition.

4. Firstly, the petitioner has to establish her right over the property rather than the right of her husband to be termed as owner/joint owner of the property in question. The only document, which has been filed before this Court is an unregistered partition deed dated 23.3.1960. Even as per the recitals in the said document, it is nowhere stated as to how the alleged joint family became the owner of the property in question. Admittedly, the classification of the land in the A-Register is 'KAL KUTHU', which is a quarry and it is a Government land. Therefore, in the facts and circumstances of the case placed before this Court by the petitioner, no relief can be granted to the petitioner.

5. Accordingly, the above writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (I)

//True Copy//

Sub Assistant Registrar

RS

TO

1.The District Collector,
Kanchipuram, Kanchipuram District.

2.The Tahsildar, Thirukazhukundram
Taluk, Kanchipuram District.

+1cc to Mr.B.Anbuechezheiyar, Advocate, S.R.No. 4022
+1cc to the Government Pleader, S.R.No. 438

W.P.No.11780 of 2017

BS (CO)
GN(20/02/2020)