

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35826 of 2019

B.Subashini,
No.27/8, Raghavendra Colony,
Chinmaya Nagar,
Chennai 600 092.Petitioner

vs.

1. The Thasildar,
Aminjikarai Taluk,
Chennai 600 030.
- 2.The Commissioner
Corporation of Chennai,
Ripon Building,
Chennai.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorified Mandamus to call for the records of the first respondent, quash its rejection order dated 18.12.2019 in his proceeding Ref.No.2019/0153/02/009180, consequently direct the first respondent to issue computerized patta to petitioner in respect of land and house situated in Survey No.98, now T.S.No.98, Block No.5, Senjeri Village, Aminjikarai Taluk, Chennai without insisting to get NOC from the second respondent.

For Petitioner : Mr.S.C.Vishwanath

For Respondents: Mr.D.Raja
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the proceedings of the first respondent dated 18.12.2019 and for the consequential direction to the first respondent to issue a computerized patta to the petitioner with respect to the subject property.

2. The case of the petitioner is that the petitioner's husband bought the subject property by way of sale deed dated 12.04.1971 in his name and he died intestate on 26.07.2017. Therefore the petitioner made a representation dated 29.11.2019 to the first respondent for obtaining computerized patta in the name of the petitioner. The petitioner also submitted the legal heir certificate No.TN-720190718621 dated 12.09.2019 issued by the first respondent along with the application for obtaining computerized patta. The first respondent rejected the petitioner's application for the reason that the petitioner has to obtain No Objection Certificate from the second respondent for the issuance of patta since there is a proposal of acquisition for widening the road. Aggrieved over the same, the present writ petition has been filed seeking for appropriate direction.

3. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents.

4. There is no dispute with regard to the fact that the property was originally in the name of the petitioner's husband. There is also no dispute with regard to the fact that the patta with regard to the subject property stands in the name of the husband of the petitioner. The petitioner's husband died on 26.07.2017. Thereafter, the petitioner and her children became the owner of the property. The legal heirship certificate was also submitted to the first respondent.

5. In the considered view of this Court, the first respondent ought to have entertained the application made by the petitioner who was seeking for computerised patta. There was no requirement to direct the petitioner to get No Objection Certificate from the second respondent for an acquisition which has not even commenced. Even taking the extreme case, if any acquisition is initiated in future, the notice will have to be sent only to the person whose name found in the revenue records.

6. Therefore, if the petitioner's name is not mutated in the Revenue records, the petitioner may not be aware of any acquisition proceedings in future. Therefore, the revenue records must necessarily be mutated with the name of the present owners and the first respondent ought not to have rejected the application made by the petitioner.

7. In view of the above, this Court has no hesitation to interfere with the rejection order passed by the first respondent by proceedings dated 18.12.2019 and accordingly the same is hereby quashed.

8. The first respondent is directed to entertain the application of the petitioner and consider the same and issue computerized patta based on the documents submitted by the petitioner. The petitioner is directed to make fresh representation to the first respondent along with a copy of all the documents and a copy of this order. The first respondent shall pass appropriate orders within a period of four weeks from the date of receipt of the representation from the petitioner and issue computerized patta.

9. This writ petition is allowed with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Amjikai Taluk,
Chennai-30.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.

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SSV(CO)
CB(07/08/2020)

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