



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.1606 of 2020

Rameeza Begum

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to mutate the patta for the house site in S.No.260/10 in Rajagambeeram Village, Manamadurai Taluk, Sivagangai District to an extent of 420 sq. mt. in the name of the petitioner based on her representation, dated 03.09.2019, within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Sridharan

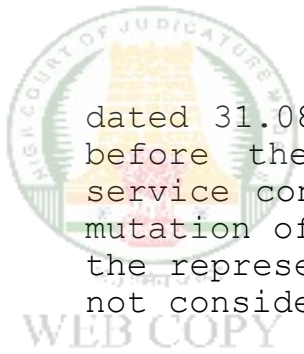
For Respondents : Mr.C.Ramar
Additional Government Pleader

ORDER

This writ petition is filed for issuance of writ of mandamus directing the respondents to mutate the patta in respect of house site in S.No.260/10 in Rajagambeeram Village, Manamadurai Taluk, Sivagangai District.

2.Mr.C.Ramar, learned Additional Government Pleader, takes notice for respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner states that the property is the ancestral property of his father-in-law by name Sikkandar Batcha and that he had sold the same to one Akbar Badhusha under a registered sale deed, dated 19.04.2013. The petitioner claimed to have purchased the property from the said Akbar Badhusha by subsequent sale deed,



dated 31.08.2018. Stating that the petitioner has to produce patta before the Electricity Department and other Departments to get service connection and other facilities, the petitioner applied for mutation of patta in his name on the basis of title document. Since the representation of the petitioner before the second respondent is not considered, the petitioner has approached this Court.

4.The petitioner has not produced the patta standing in the name of his father-in-law by name Sikkandar Batcha or his vendor by name Akbar Badhusha. Provisions of Tamilnadu Patta Pass Book Act, specifically require production of patta before registration of any document of conveyance. Unless, the petitioner's predecessor interest had patta, even by transfer of title to the petitioner from his vendor, the petitioner is not entitled to get patta. The sale deed produced by the petitioner refers to a patta stands in the name of petitioner's vendor's vendor. Since, the petitioner claimed his title to the property by successive documents of sale from the petitioner's vendor's vendor, the application filed by the petitioner may be considered strictly in accordance with the provisions of Tamilnadu Patta Pass Book Act.

5.Hence, without expressing any opinion on the merits of the petitioner's representation, the second respondent is directed to consider the representation of the petitioner, dated 03.09.2019, in accordance with the provisions of Tamilnadu Patta Pass Book Act and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Collector, Sivagangai District, Sivagangai.

2.The Tahsildar, Manamadurai Taluk, Sivagangai District.

+1 CC to M/s.M.SRIDHARAN, Advocate (SR-3602[F] dated 29/01/2020)

+1 CC to M/s.SPL.GP (SR-3733[F] dated 29/01/2020)

W.P. (MD) .No.1606 of 2020

28.01.2020

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