

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 07.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.14069 of 2021

C.Sakthi

...

Petitioner

-Vs-

1 The Revenue Divisional officer
Revenue Divisional office Chennai 600 101

2 The Tahsildhar
Maduravoyal Taluk Nerkundrum Village
Chennai 600 037

3 The Village Administrative Officer
Nerkundrum Village, Chennai 600 107.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 20.03.2021 to issue a Natham Patta to the properties comprised in S.No. 75/2B in Plot Nos. 127 128 133 and 134 to an total extent of 12 cents (5232 sq.ft) Nerkundram Village Ambutur Taluk Tiruvallur District within a time frame to be fixed by this Honble Court.

For Petitioner :Ms.S.Revathy

For Respondents :Mr.K.M.D.Muhilan,Government Advocate

सत्यमेव जयते
O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 20.03.2021 to issue a Natham Patta to the properties comprised in S.No. 75/2B in Plot Nos. 127, 128, 133 and 134 to an total extent of 12 cents (5232 sq.ft) Nerkundram Village Ambutur Taluk Tiruvallur District within a time frame to be fixed by this Court.

2. The four housing plots viz., Plot Nos. 127, 128, 133 and 134 at S.No.75/2B, Nerkundram Village, according to the petitioner, had been purchased by her husband by various sale deeds at various point of time in the year 1978 and all those

documents are claimed to have been registered in the concerned Sub Registrar Office.

3. Therefore, the petitioner's husband had been in possession and enjoyment of the aforesaid properties and after his demise, the petitioner and the other legal heirs, who are the sons and daughters of the petitioner had been in possession and enjoyment of the property, where 20 years back, after getting permission from the planning authorities, it is claimed by the petitioner that, they built up dwelling house, where they have been residing continuously.

4. When that being so, when Natham Survey is undertaken, the petitioner's land had not been considered for grant of Patta and after coming to know the said fact, the petitioner, in order to get the Natham Patta for the said land in question, has made a detailed representation on 20.03.2021 to the first respondent ie., the Revenue Divisional Officer, Chennai, who is the authority to consider the request for grant of Natham Patta.

5. Since the said representation has so far not been considered and it is still pending with the first respondent, the petitioner has filed this writ petition with the aforesaid prayer.

6. Heard Ms.S.Revathy, learned counsel appearing for the petitioner, who would submit that, since the petitioner is 75 years old and the property had been purchased by the petitioner's husband in the year 1978 itself, and since then the petitioner's husband and subsequently the petitioner and other legal heirs had been in possession and enjoyment of the property, where they already have built up house 20 years ago with planning permission and therefore, the plea of the petitioner seeking Natham Patta through his representation dated 20.03.2021 submitted to the first respondent can be directed to be considered on merits within a time frame that may be stipulated by this Court.

7. On the other hand, Mr.K.M.D.Muhilan, learned Government Advocate appearing for the official respondents would submit that, if the petitioner claims Natham Patta based on the possession and enjoyment of the property in question for the past nearly 40 years as claimed by them and in this regard, if they have given any representation dated 20.03.2021 to the first respondent, the said issue would be considered by the first respondent on merits and in accordance with law and in this regard, after conducting an enquiry, the said representation of the petitioner dated 20.03.2021 would be decided and final orders would be passed within a reasonable time that may be stipulated by this Court, he contended.

8. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

9. Since it is claimed by the petitioner that, the petitioner's husband had purchased the property in question in the year 1978 by various sale deeds registered in the concerned Sub Registrar Office and then onwards they had been in possession and enjoyment of the property, where they have a built pucca houses after obtaining planning permission and has been continuously residing there, the plea now made by the petitioner to the first respondent can very well be considered on merits and in accordance with law within a reasonable time and final orders can be passed.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the first respondent to consider the representation of the petitioner dated 20.03.2021 and decide the same on merits and in accordance with law and pass final orders thereon within a period of eight weeks from the date of receipt of a copy of this order.
- In this regard, if any further input is required, the petitioner can be given an opportunity of being heard and after getting the input, if any, to be supplied by the petitioner, the same after having been considered, final orders as indicated above, can be passed by the first respondent, within the time frame as stipulated above.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kst

To

- 1 The Revenue Divisional officer
Revenue Divisional office Chennai 600 101.

2 The Tahsildhar
Maduravoyal Taluk Nerkundrum Village
Chennai 600 037.

3 The Village Administrative Officer
Nerkundrum Village, Chennai 600 107.

+2ccs to Mr.S.REVATHY, Advocate, S.R.No.31862

W.P.No.14054 of 2021

KV(CO)
BE(12/07/2021)



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