



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.07.2021

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CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.14834 of 2021

Mrs.Sucharita Gunasekaran,
W/o Muthian Gunasekaran,
Residing at No.23147, Canzonet Street,
Woodland Hills,
California 91367 U.S.A.

Rep. by Power of Attorney Agent
Mr.D.R.Raghunath, Advocate,
3rd Floor, Hussaina Manzil Building,
No.255/123, Angappa Naicken Street,
Chennai 600 001.

... Petitioner

-Versus-

The Tahsildar,
Thirukkalukundram Taluk,
Desumugi Pet, PK Street,
State Highways 58,
Chengalpattu District 603 109.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to change the name of pattadar from the joint names of late Sri.C.Muthukumaraswamy Mudaliar late Sri.C.Vedachala Mudaliar and late sri.c.Ramakrishna as reflected in patta No.709 which is for a larger extent of land to the name of Smt. Sucharita Gunasekaran wife of Muthian Gunasekaran the petitioner herein for the said land of an extent of 40 Acres and 86 Cents situate at No.5, Rathas Road, opposite to the Light House in S.No.180/3 Old Pymash No.1444-A, No.91 Mahabalipuram Village (now Mamallapuram) Thirukkalukundram Taluk, Chengalpattu District.



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For Petitioner : Mr.S.Namasivayam
For Respondent(s) : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a direction to the respondent to change the name of pattadar from the joint name of late Sri.C.Muthukumaraswamy Mudaliar late Sri.C.Vedachala Mudaliar and late Sri.C.Ramakrishna as reflected in patta No.709, which is for a larger extent of land, to the name of Smt. Sucharita Gunasekaran wife of Muthian Gunasekaran the petitioner herein for the said land of an extent of 40 Acres and 86 Cents situate at No.5, Rathas Road, opposite to the Light House in S.No.180/3 Old Pymash No.1444-A, No.91 Mahabalipuram Village (now Mamallapuram) Thirukkalukundram Taluk, Chengalpattu District.

2. According to the petitioner, he has become the absolute owner of the above said land having purchased the same in the year 1959 through a registered sale deed. However, subsequently, a patta was issued jointly in the name of her close relative only. In the said circumstances, she had filed an application before the respondent seeking to issue a separate patta in respect of the property purchased in her name. The grievance of the petitioner is that his application for patta in her individual name was rejected through online without conducting any enquiry and without assigning any valid reason. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner has become the absolute owner of the subject matter of property having purchased it individually. But, a patta was issued in the name of her close relative and when it was sought to be rectified, the respondent without conducting any enquiry has mechanically rejected the request of the petitioner for individual patta by way of a non speaking order.



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4. The learned Government Advocate appearing for the respondent, on instructions, submitted that the Tahsildar had rejected the application of the petitioner for individual patta finding some discrepancy, but, however, no detail order was passed.

5. The petitioner claims to be the absolute owner of the property in question. Had there been any discrepancy found, the Tahsildar, before passing any order, ought to have conducted proper enquiry after due notice to the petitioner as well as to the other interested persons. But, the Tahsildar did not do so and he has simply rejected the application of the petitioner without assigning any valid reason by way of a non speaking order through online. In the above circumstances, the order of the Tahsildar is required to be set aside.

In the result, this writ petition is allowed and the order of the Tahsildar rejecting the application of the petitioner for individual patta is set aside and the respondent is directed to consider the application of the petitioner afresh by conducting due enquiry after notice to the petitioner as well as to the persons interested, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to produce all the documents relating to her title before the to enable him take an appropriate decision in the matter. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Tahsildar, Thirukkalukundram Taluk,
Desumugi Pet, PK Street,
State Highways 58,
Chengalpattu District 603 109.



+1cc to Mr.S.Namasivayam, Advocate, S.R.No.35875
+1cc to the Government Pleader, S.R.No.36286

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GSM(CO)
SB(25/08/2021)