

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.14254 of 2018

B.Jeyapaul

.. Petitioner

Vs.

1.The Tahsildhar
Sangarapuram Taluk
Villupuram District

2.The Collector
Villupuram
Villupuram District

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 24.04.2018 of transfer of patta of the plot in petitioner's name.

* * *

For Petitioner : Mr.C.Samadharm Arasu
No Appearance

For R1 & R2 : Ms.A.Madhumathi
Special Government Pleader

O R D E R

This writ petition is filed for issuing a direction to the first respondent-Tahsildhar, to consider the representation dated 25.04.2018 regarding transfer of patta in favour of the petitioner.

2. The petitioner claims ownership over the plot to an extent of 1188 sq.ft. and 156 sw.ft. in Devapandalam Village, comprised in S. No.145/9 on the basis of a settlement deed 16.02.2017 alleged to have been executed by his wife in his favour. The petitioner submitted a representation to the first respondent on 25.04.2018 to transfer patta in his favour on the basis of settlement deed. Unfortunatley, the petitioner has not produced before this court any document to show the title of petitioner's wife. Not even a revenue document like

patta or chitta has been produced before this court to prove that the property was in the holding of petitioner's wife prior to the settlement deed. In these circumstances, this court cannot issue any positive direction.

3. Having regard to the scope of enquiry and the power conferred on the Tahsildar, namely the first respondent to modify revenue records, under Tamil Nadu Patta Pass Book Act, the petitioner cannot approach the Tahsildar for modification of entries in revenue records, particularly, patta, unless the person from whom the petitioner claims title has prior patta or pattas had already been granted in favour of his vendor or predecessor in interest.

4. In the instant case, in the absence of any document to show the holdings of the petitioner's wife as per the revenue record, the first respondent is directed to consider the representation of the petitioner only if the petitioner produce before the first respondent, the prior patta in favour of petitioner's wife or the document tracing title to the property, from registered land owners, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Tahsildhar
Sangarapuram Taluk
Villupuram District

2.The Collector
Villupuram
Villupuram District

+lcc to the Government Pleader SR.16260

W.P.No.14254 of 2018

GPL(CO)
CB(01/04/2021)