



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16451 of 2021

Mariya Thomas

... Petitioner

Vs.

The Tahsildar,
Office of the Tahsildar,
Ootacamund Taluk,
Nilgiris District

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to the impugned order bearing reference no.Na.Ka.A5/2927/2020 dated 21.04.2021 and quash the same, as far as declined to issue joint patta in the name of the petitioner, consequently direct the respondent to issue joint patta in the name of the petitioner and other legal heirs of Mariya Ambrose in respect of his land bearing Survey No.193/3 at Masanakudi Village.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to call for the records of the respondent pertaining to the impugned order bearing reference no.Na.Ka.A5/2927/2020 dated 21.04.2021 and quash the same as far as declined to issue joint patta in the name of the petitioner, consequently, direct the respondent to issue joint patta in the name of the petitioner and other legal heirs of Mariya Ambrose in respect of his land bearing Survey No.193/3 at Masanakudi Village.

2. The brief facts of the case is that the land to an extent of 1 acre 50 cents in Survey No.193/2 at Masanakudi



Village, Nilgiri District, originally belongs to the petitioner's father, namely, Maria Abrose, who died on 23.04.2003 intestate leaving behind his two daughters, namely, Shanti, A.J.Helen and three sons, viz., Raja, Ruben and the petitioner. During the lifetime of petitioner's father, he had executed a conditional gift deed Doc.No.472 of 1991 in favour of petitioner's elder sister A.J.Helen, thereafter, on 04.07.2001, the petitioner's father, viz., Mariya Ambrose revoked the said conditional gifts (Settlement) vide revocation deed Doc.No.784 of 2001, registered by S.R.O., Gudalore. In the meanwhile, the petitioner's elder sister mutated all the revenue records including patta pertains to the land in her name without any notice and the revenue officials acted upon the said gift deed, mutated the revenue records and issued patta. Aggrieved by the same, the petitioner submitted a representation to the respondent enclosing all particulars to cancel the patta issued in favour of the petitioner's elder sister, pertaining to the Survey No.193/2 to an extent of 1 acre and 50 cents at Masanakudi village, Nilgiri District and to issue joint patta in the name of the legal heirs of petitioner's father, however, there is no response for the said representation.

3. In consequence, the petitioner approached this Court by way of a W.P.No.17880 of 2020 seeking a direction against the respondent to cancel the patta issued in the name of the 2nd respondent therein and issue joint patta in the name of the legal heirs of petitioner's father, namely, Mariya Ambrose. This Court, vide order dated 11.12.2020, directed the 1st respondent therein to conduct an enquiry and pass order on the petitioner's representation. In pursuance to which, the 1st respondent therein conducted an enquiry and cancelled the patta issued in favour of the 2nd respondent therein by order dated 21.04.2021, but declined to issue the joint patta in favour of the legal heirs of Mariya Ambrose, hence this petition.

4. The learned counsel for the petitioner contends that as per the Tamilnadu Patta Passbook Act, the legal heirs of the deceased are entitled to obtain joint patta in respect of the estate of the deceased and if any such application is made by anyone of the legal heir of the deceased, the respondent ought to conduct an enquiry and mutate the patta in the name of the legal heirs of the deceased, however, the respondent had declined to issue joint patta, left with no other option, the petitioner has filed this present petition.

5. Heard the learned Government Advocate appearing for the respondent.

6. A perusal of the records would show that this Court on 10.08.2021, directed the petitioner to apply through on-line for grant of patta and the petitioner had also applied through



online on 16.08.2021. Though a period of one month is elapsed, the authority has not considered the request of the petitioner.

7. Considering the fact that the petitioner had applied patta through on-line on 16.08.2021 and seeking for issuance of joint patta in the name of the petitioner and other legal heirs of petitioner's father, in respect of the land bearing Survey No.193/3 at Masanakudi village, which was purchased by petitioner's father under Registered sale deed Doc.No.57/1991, registered at SRO, Gudalore, this Court hereby directs the respondent to consider the application of the petitioner for the grant of patta, which was filed through online and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

In view of the above, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ssd

To

The Tahsildar,
Office of the Tahsildar,
Ootacamund Taluk,
Nilgiris District

+1cc to Government Pleader SR.No.51254

W.P.No.16451 of 2021

PVS (CO)
GMY (18/10/2021)