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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17629 of 2021

R.Shanthi

... Petitioner

Vs.

1. The District Collector,
Collectorate, Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai - 600 001.
2. The Assistant Director (Survey),
Collectorate, Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai - 600 001.
3. The Tahsildar,
Taluk Office, Anna Salai,
Guindy Taluk, Chennai - 600 032.
4. The Revenue Inspector,
Taluk Office, Anna Salai,
Guindy Taluk, Chennai - 600 032.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to consider the petitioner's representation dated 15.07.2021 to implement online registration of Extract for the Town Survey Land Register (T.R.No.1445/07-08) and issue online Extract for the Town Survey Land Register for comprising Old Survey Nos.142/1 and 142/2 (Part), Block No.3, T.S.No.75/1, Plot No.103, measuring 830 Square Feet situated at Door No.5/3, Pillaiyar Kovil 3rd Street, Ambal Nagar, Ekkattuthangal, Guindy Taluk, Chennai District in the names of R.Shanthi (Herein the petitioner), R.Madhankumar, R.Lalitha, R.Rubankumar and R.Mohankumar based on the petitioner's patta name transfer application dated 19.02.2021 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For respondents : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This Writ Petition has been filed to direct the 3rd and 4th respondents to consider the petitioner's representation dated 15.07.2021 to implement online registration of Extract for the Town Survey Land Register (T.R.No.1445/07-08) and issue online Extract for the Town Survey Land Register for comprising Old Survey Nos.142/1 and 142/2 (Part), Block No.3, T.S.No.75/1, Plot No.103, measuring 830 Square Feet situated at Door No.5/3, Pillaiyar Kovil 3rd Street, Ambal Nagar, Ekkattuthangal, Guindy Taluk, Chennai District in the names of R.Shanthi (Herein the petitioner), R.Madhankumar, R.Lalitha, R.Rubankumar and R.Mohankumar based on the petitioner's patta name transfer application dated 19.02.2021.

2. The petitioner has averred in the affidavit that on 27.03.1986, her husband namely R.Radhakrishnan purchased a vacant land situated at Pillaiyar Kovil 3rd Street, Ambal Nagar, Ekkattuthangal, Chennai - 600 032, comprising Old Survey Nos.142/1 and 142/2 (Part), Block No.3, T.S.No.75, Plot No.103, measuring 830 Square feet. The above sale deed was registered as Document No.877 of 1986 in the office of Joint Registrar No.1, Saidapettai. Subsequently, they constructed a house in the above said plot and till now they are in possession and enjoyment of the same. On 06.11.2007, the 3rd respondent issued a handwritten Extract from the Town Survey Land Register (C.A.No.1135/07 and T.R.No.1445/07-08) in favour of her husband. They are continuously paying the Water Tax and Property Tax to the concern authorities and also they got Electricity Connection, Family Card, Election Card etc. for the said address. The Secretary to Government, Revenue Department, passed G.O.(Ms).No.303, Revenue [SS-II(2)] Department, dated 27.12.2016 in respect of implementing Online Patta Transfer System and Legal validity of Digitally Signed Land Records ('A'- Register and Patta).

"8) The Government after careful examination hereby order the Principal Secretary / Commissioner of Survey and Settlement to implement the Online Patta Transfer System for Transfer of Registry by superceding the procedure laid down in G.O.(Ms).No.210, Revenue Department, dated 08.07.2011 with the following new features :-

"(i) The application for the Patta Transfer may be received through e-service / Common Service Centres authorized by the competent for this purpose.

(ii) The applications thus received may be processed as per the workflow mandated in the Tamil Nilam Applications Software.

(iii) QR-coded Digitally - Signed Land Records (copies of A-Register and Patta) may be issued and Digital signature shall be affixed by the Tahsildar or



any other competent authority designated for the said purpose.

(iv) Public may be provided the facility to download such copies anytime anywhere through an online portal created for this purpose."

3. The petitioner has further averred in the affidavit that as per the above G.O., the Government banned to issue manual extract of land records and hand written land records. But, the respondents are not implementing their land in the Online Patta Transfer System. On 04.09.2018, her husband sent a request letter for Online Registration of Extract for the Town Survey Land Register to the 3rd respondent. But, nothing has been done on his request. On 31.03.2020, her husband was died leaving his legal heirs 1.R.Shanthi (Herein the petitioner), R.Madhankumar, R.Lalitha, R.Rubankumar and R.Mohankumar. Subsequently, they are in peaceful possession and enjoyment of the house.

4. The petitioner has also averred in the affidavit that on 19.02.2021, she sent an application for Patta name transfer to the 4th respondent by registered post with acknowledgement card. But the 4th respondent did not respond to her application ever after the statutory limitation was elapsed. Subsequently, she visited the 3rd and 4th respondents' Office to ask the status of her Patta name transfer application and her husband's request letter dated 04.09.2018 for online registration of Extract from the Town Survey Land Register in person. But, the 3rd and 4th respondents did not reply to her till date. On 15.07.2021, she sent another representation to the 3rd and 4th respondents for considering her Patta name transfer application dated 19.02.2021 and also her husband's request letter dated 04.09.2018, But, the 3rd and 4th respondents have not replied to their representation till date. Hence, she prayed for directing the 3rd and 4th respondents to consider her representation dated 15.07.2021.

5. The learned counsel appearing for the petitioner would submit that the above said G.O., implementing Online Patta Transfer System and Legal Validity of Digitally Signed Land Records ('A' - Register and Patta), was passed on 27.12.2016. But, till now, the petitioner's representations dated 19.02.2021 and 15.07.2021 for transfer of patta have not been considered by the respondents, and the act of the respondents are totally against the provision of Section 3 of the Tamil Nadu Patta Pass Act - 1983 and the G.O.(Ms).No.303, Revenue [SS-II(2)] Department, dated 27.12.2016.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents, and perused the materials available on record.



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27.03.1986 the petitioner's husband namely R.Radhakrishnan had purchased a vacant land situated at Pillaiyar Kovil 3rd Street, Ambal Nagar, Ekkattuthangal, Chennai - 600 032, comprising Old Survey Nos.142/1 and 142/2 (Part), Block No.3, T.S.No.75, Plot No.103, measuring 830 Square feet. After purchasing the land, on 06.11.2007, the third respondent issued handwritten Extract from the Town Survey Land Register (C.A.No.1135/07 and T.R.No.1445/07-08) in favour of the petitioner's husband. From the date of purchase of the above land, the petitioner's family is in possession and enjoyment of the same and they got electricity connection, family card, election card etc. also for the said address. Since the Government passed an order in G.O.(Ms).No.303, Revenue [SS-II(2)] Department, dated 27.12.2016, implementing Online Patta Transfer System and Legal Validity of Digitally Signed Land Records ('A' - Register and Patta), the petitioner's husband applied for online registration of extract for the Town Survey Land Register to the 3rd respondent on 04.09.2018, and subsequently he died on 31.03.2020 leaving behind the petitioner and others namely R.Madhankumar, R.Lalitha, R.Rubankumar and R.Mohankumar as legal heirs.

8. It is further seen from the records that after the death of the petitioner's husband, the petitioner has sent an application for patta name transfer on 19.02.2021 to the 4th respondent by registered post. But she was not received any response from them. The petitioner thereafter visited the 3rd and 4th respondents' office and asked the status of her application in person. But the 3rd and 4th respondents have not given any proper reply to her. The petitioner again sent a representation to the 3rd and 4th respondents on 15.07.2021 for considering her patta name transfer application dated 19.02.2021. But, in spite of several request made by the petitioner, the respondents have not come forward to issue patta in her favour and hence she has approached this Court.

9. The learned counsel appearing for the petitioner submits that the petitioner's representation is pending for a long time before the respondents. The Government has implemented the Online Patta Transfer System on 27.12.2016. But still, the respondents are not implementing the petitioner's land in the Online Patta Transfer System.

10. In this regard, the Learned Government Advocate appearing for the respondents submits that the petitioner's representation is in consideration before the respondents and the petitioner has to produce only the legal heir certificate before the respondents, and once it is produced, her representation will be considered for transferring patta in her favour. Further, the Learned Government Advocate has produced a copy of the letter dated 25.08.2021 in Na.Ka.No.A2/002/2021 sent by the Tahsildar, Guindy Taluk, Chennai - 32, wherein, it is stated that one Mrs.Shanthi (herein the petitioner) has applied for Patta to the land



situated at Plot No.03, S.No.75, Ekkattuthangal, Guindy Taluk, Chennai District and the Sale deed document in respect of the said land stands in the name of the petitioner's husband Thiru.Radhakrishnan, and all the legal heirs of Radhakrishnan may obtain Patta in their favour by producing legal heir certificate before them.

11. In view of the submission made and the letter produced by the Learned Government Advocate, this Court is inclined to direct the petitioner to produce legal heir certificate and other relevant documents before the 3rd respondent to consider the representation dated 15.07.2021 within the time to be fixed by this Court.

12. Accordingly, the petitioner is directed to produce legal heir certificate and other relevant documents before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said documents, the 3rd respondent is directed to consider the representation dated 15.07.2021 made by the petitioner and dispose of the same in accordance with law, within a period of four months from the date of receipt of the documents.

13. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector,
Collectorate, Singaravelar Maaligai,
No.62, Rajaji Salai,
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2. The Assistant Director (Survey),
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3. The Tahsildar,
Taluk Office, Anna Salai,
Guindy Taluk, Chennai - 600 032.



4. The Revenue Inspector,
Taluk Office, Anna Salai,
Guindy Taluk, Chennai - 600 032.

+1cc to Mr.J.Agni Selvaraju, Advocate, S.R.No.43213

+1cc to the Government Pleader, S.R.No.43659

W.P.No.17629 of 2021

AK-II (CO)
CT(20/09/2021)