



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16969 of 2021

B.Rajkumar

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Tambaram Region,
Chengalpattu District

2. The Tahsildar,
Pallavaram Taluk,
Chengalpattu District

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue a patta in favour of the petitioner for the land with total extent of 863.7 in Survey No.264/5 and Survey No.264/4A (as per the patta) situated at Zamin Pallavaram Village, Pallavaram Taluk, Chengalpattu District in line with Settlement deed dated 12.09.2018 registered as Document No.7419/2018 based on the petitioner's representation dated 10.06.2019 within the time frame fixed by this Hon'ble Court.

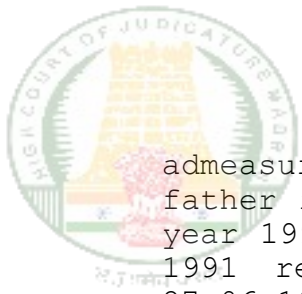
For Petitioner : M/s.B.Aparna

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue patta in favour of the petitioner for the land with total extent of 863.7 in Survey No.264/5 and Survey No.264/4A (as per the patta) situated at Zamin Pallavaram Village, Pallavaram Taluk, Chengalpattu District in line with Settlement deed dated 12.09.2018 registered as Document No.7419/2018 based on the petitioner's representation dated 10.06.2019 within the time frame.

2. According to the petitioner, the property comprised in Survey No.264/5 and Survey No.264/4A of Zamin Pallavaram



admeasuring 1859 sq.ft., was purchased by the petitioner's father in the name of petitioner's mother, viz., Vasantha in the year 1991 through a registered sale deed with Document No.2481 / 1991 registered in the Sub Registrar Office, Pallavaram on 27.06.1991. After the said purchase, the petitioner's father had constructed the ground floor building and the entire family was in the possession of the property. Consequently, the patta was also changed in the name of the petitioner's mother, for which subdivisions were also issued in favour of petitioner's mother. Since the petitioner's father died in the year 2016, the petitioner's mother, had divided the property into two shares and settled the same in favour of the petitioner and his brother, viz., Ravikumar, by way of settlement deed dated 12.09.2018 in Document No.7419 of 2018. Further, the petitioner tried to change the revenue records, therefore, he submitted a representation to the 2nd respondent for patta (name change only) for the settled portion of the property on the basis of the settlement deed.

3. Further, the case of the petitioner is that the 2nd respondent has issued a summon for enquiry on 14.02.2020 to the petitioner and one Ramaiya Varatharajan, Public Charity Trust indicating to appear for enquiry on 21.02.2020 at 11.00 a.m. with all the original documents, however, the same was posted on 25.02.2020 and received by the petitioner only on 28.02.2020. When the petitioner approached the office on receipt of summon dated 14.02.2020, the authorities informed that they will again send the summon for enquiry.

4. That apart, when the petitioner appeared for the enquiry on 31.03.2020, the enquiry was not conducted by the 2nd respondent due to Covid -19 pandemic situation. The other persons, who were called for the enquiry were adjacent land owners and now, they have sold their properties and no way connected with the property of the petitioner and hence prayed to issue a patta in favour of the petitioner. Hence this petition.

5. The learned counsel for the petitioner submitted that the petitioner is requesting the 2nd respondent to call for an enquiry and issue patta to him. Though the petitioner has sent reminder to the 2nd respondent and a copy of the same to the 1st respondent, the petitioner was not called for enquiry. Since the request of the petitioner has not been considered by the concerned authority and there is a problem in the survey number, the present petition has been filed praying to pass appropriate orders.

6. Heard the learned Government Advocate on behalf of the respondents on the submissions of the learned counsel for the



petitioner.

7. On going through the documents filed by way typed set of papers before this Court, it could be seen that the sale deed was executed by Deivanayagi and others in favour of B.Vasantha, viz., petitioner's mother and the patta also stands in the name of her, vide Patta No.5303. Thereafter, the petitioner's mother executed a settlement deed vide document no.7419 of 2018 in favour of the petitioner measuring an extent of 1859 Sq.Ft., in Survey No.264/5 and Survey No.264/4A (as per the patta) situated at Zamin Pallavaram Village, Pallavaram Taluk, Chengalpattu District [including a house consisting of ground floor and first floor].

8. Taking into consideration of the fact that the petitioner's mother has purchased the subject property and Patta No.5303 has been assigned to the petitioner's mother and coupled with the fact that the petitioner's mother had settled the same in favour of the petitioner by way of settlement deed vide document no.7419 of 2018 and at present, the petitioner seeks to consider the representation dated 10.06.2019, this Court is inclined to direct the 2nd respondent to consider the petitioner's representation dated 10.06.2019 and pass appropriate orders on merits and in accordance with law, after affording opportunity to the petitioner and others concerned within a period of five months from the date of receipt of a copy of this order.

With the aforesaid direction, the present Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Revenue Divisional Officer,
Tambaram Region, Chengalpattu District
2. The Tahsildar,
Pallavaram Taluk, Chengalpattu District

+1cc to the Government Pleader, S.R.No.47179

W.P.No.16969 of 2021

PCH(CO)
RGA(06/10/2021)