



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18277 of 2021
and W.M.P.No.19515 of 2021

1.Preetha V Kannan
2.Vannan Vetrivel Kannan
Represented by his
Power of Attorney Mrs.Preetha V.Kannan
3.Arun Vetrivel Kannan ... Petitioners

-Versus-

The Tahsildar,
Yercaud Taluk,
Salem District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent herein to consider the petitioners representation dated 20.01.2021 with respect to the updation of the online patta in favour of the petitioners in Survey Nos. 38/1, 37/1 and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District, based on the order dated 11.08.2003 issued by the respondent within a time frame as fixed by this Court.

For Petitioners : Mr.P.J.Rishikesh.

For Respondent : Mr.Yogesh Kannadasan.
Government Advocate.

ORDER

This writ petition has been filed for issuance of direction to the respondent to consider the petitioner's representation dated 20.01.2021 with respect to the updation of the online patta in favour of the petitioners in Survey Numbers.38/1, 37/1 and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District, based on the order dated 11.08.2003 issued by the respondent within a time frame as fixed by this Court.

2. The case of the petitioners is that the 3rd petitioner is the son of the 1st petitioner and the younger brother of the 2nd petitioner. The 3rd petitioner is the absolute owner of the



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1/3rd share of Carrara Estate in Survey No.41-Narthenchedu Village, Yercaud Taluk, Salem District on the file of Sub Registrar Office of Yercaud by virtue of Will executed by his maternal grandfather late Mr.M.S.P.Rajah in favour of his mother Mrs.Preetha V. Kannan and his elder brother namely 2nd petitioner herein on 27.09.1999, registered as Document No.61 of 1999. Subsequently, patta stood in the name of the petitioner's maternal grandfather and Mrs.Rathika Prabhu in respect of Survey No.38/1 and presently, the Patta with respect to Survey No.28/2B, 29/1A4, 37/1 and 37/3 stood in the name of Mrs. Gowri Rajesh and Mrs. Rathika Prabhu. The petitioner's grandfather derived the title to the said property by way of decree passed by the learned Sub Judge, Salem, in O.S.No.515 of 1975. Although the said property was bequeathed in equal shares to the petitioner, his mother Mrs. Preetha V. Kannan and his elder brother Mr.Vaanan Vetrivel Kannan by virtue of registered Will dated 27.09.1999, registered as Document No.61 of 1999. Thereafter, the petitioner's grandfather died on 15.02.2003 and the death certificate was obtained from Virudhunagar Municipality on 18.02.2003, legal heir certificate was also issued by Tahsildar on 25.02.2003, certifying the six legal heirs of his grandfather out of whom petitioner's mother was also mentioned. It is stated that the possession of Carrara Estate in Survey Nos.38/1(part), 28B, 29/1A4(Part), 37/1 and 37/3 remained with the petitioner and , his mother and his elder brother. Thereafter, the title, rights and interest in the aforesaid mentioned survey numbers stood totally vested with the petitioner, his mother and elder brother herein. He has also paid necessary house tax receipts and electricity bills in respect of the afore-mentioned survey numbers stood in the name of his mother who is one of the legal heirs of late. Mr.M.S.P.Rajah and a part owner of Carrara Estate A. Subsequently, Patta Transfer Order was passed by the Tahsildar, Yercaud Taluk, Salem District, dated 11.08.2003 bearing number 1527/611/03-04(J) with respect to the Survey Nos.38/1, 37/1 and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District to the effect that patta should be transferred to the three petitioners herein. However, the Patta with respect to Survey No.38/1 presently stood in the name of the petitioner's maternal grandfather namely Mr.M.S.P.Rajah and Mrs.Rathika Prabhu and the Patta with respect to the Survey Nos.37/1 and 37/3 stood in the name of Mrs.Gowri Rajes and Mrs.Rithika Prabhu. Following the same, the petitioner sent a representation before the respondent/Tahsildar on 20.01.2021, requesting him for transferring patta along with the copy of the earlier Patta Transfer Order dated 11.08.2003, which was received by the Tahsildar on 22.01.2021. After receiving the petitioner's representation, the respondent has not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition.



3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representation dated 20.01.2021 with respect to the online Patta transfer in favour of the petitioners in Survey Nos.38/1, 37/1 and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representation dated 20.01.2021 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/msm

To

The Tahsildar,
Yercaud Taluk,
Salem District.

+1cc to M/s.P.J.Rishikesh, Advocate Sr No.44449
+1cc to the Government Pleader Sr No.45227

W.P.No.18277 of 2021
and
W.M.P.No.19515 of 2021

RSV (CO)
PR (01/10/2021)