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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.17904 of 2021

P.Abida

... Petitioner

Versus

1. The Jamabandhi Officer,
Poonamallee Taluka Office,
Poonamallee Taluka,
Thiruvallur District,
Chennai - 600 053.

2. The Tasildar,
Poonamallee Taluka,
Chennai-Thiruvallur High Road,
Poonamallee, Thiruvallur District,
Chennai - 600 053.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider Petitioner's Jamabanthi Petition No.2021/9005/01/109730/0714; dated 14.07.2021 for granting patta for the house property bearing Door No.5 in Noombal Village, bearing part of Plot Nos. 4 & 5 comprised in Survey No.24/2 measuring 1200 sq.ft. which comes under Poonamallee Taluk, Thiruvallur District Jurisdiction.

For Petitioner : Mr.C.Prabhu

For Respondent-2 : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents to consider the petitioner's Jamabanthi Petition No.2021/9005/01/109730/0714, dated



14.07.2021 for granting patta for the house property bearing Door No.5, Noombal Village in Plot Nos. 4 & 5 comprised in Survey No.24/2 measuring to an extent 1200 sq.ft. which comes under Poonamallee Taluk, Thiruvallur District.

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2. According to the petitioner, the petitioner is the owner of the house property bearing Door No.5 in Plot Nos. 4&5 comprised in Survey No.24/2 situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, measuring to an extent of 1200 sqft., (400 sqff., in Plot No.4 and 800 sqft., in Plot No.5). Subsequently, the petitioner and her mother namely A.Fathima jointly purchased the aforesaid property vide Doc.No.8595 of 2010, dated 09.08.2010. Thereafter, the petitioner's mother was gifted her portions to the petitioner in the aforesaid house property, dated 15.07.2016 through an unregistered HIBA (Oral Gift) by way of declaration deed. It is pertinent to note that an oral Gift (HIBA) is permitted under the Muslim Personal Law of inheritance as a Gift if all the formalities prescribed by the Muslim Personal Law, such as, declaration of Gift and unambiguous terms backed with the acceptance of the Gift by the Donee is complied with and as such, Gift although unregistered is valid and enforceable in the eyes of law. The petitioner has been continuously paying electricity bill and house tax for the aforesaid house property since the house property has been standing in her name. Therefore, the petitioner made a representation to the 1st respondent to grant patta in her name for the aforesaid property through on-line Jamabanthi Petition No.2021/9005/01/109730/0714 dated 14.07.2021. In this regard, the 1st respondent has not taken any steps so far. Hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 14.07.2021 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 1st respondent to consider the petitioner's Jamabanthi Petition No.2021/9005/01/109730/0714, dated 14.07.2021 and pass appropriate orders, on merits and in



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accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msm
To

1. The Jamabandhi Officer,
Poonamallee Taluka Office,
Poonamallee Taluka, Thiruvallur District,
Chennai - 600 053.
2. The Tasildar,
Poonamallee Taluka,
Chennai-Thiruvallur High Road,
Poonamallee, Thiruvallur District,
Chennai - 600 053.

+lcc to M/s.C.Prabhu, Advocate Sr.42969
+lcc to the Government Pleader, Sr.43657

W.P.No.17904 of 2021

bp[co]
srg 12/10/2021