



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20221 of 2021

B.Kumar

... Petitioner

-Vs-

1. The Tahsildhar,
Gummidipoondi,
Thiruvallur District.

2. The Head Surveyor,
Gummidipoondi,
Thiruvallur District.

... Respondents

PRAYER:- This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, to direct the 1st Respondent to pass a reasoned order or issue patta to the petitioner based on his representation dated 01.03.2021 within a reasonable time to be fixed by this Hon'ble Court and pass orders accordingly.

For Petitioner :: Mr.E.Girirajan

For Respondents :: Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the the 1st Respondent to pass a reasoned order or issue patta to the petitioner based on his representation dated 01.03.2021 within a reasonable time to be fixed by this Hon'ble Court and pass orders accordingly.

2. The learned counsel for the petitioner would submit that on 27.07.2020 that the petitioner's father namely, M.Balakrishnan has transferred his self acquired immovable property into the name of the petitioner herein by virtue of a settlement deed dated 27.07.2020 in Document No.624 of 2020



before the Sub-Registrar office at Gummidipoondi. Thereafter, the petitioner has made an application to the 1st Respondent to issue patta based on the aforesaid Settlement Deed executed by his father on 01.03.2021 in Application No. 2021/0105/01/323236 and from the date of filing the aforesaid application till date, there is no progress or any out come on the said application and the same is pending so far before the 1st respondent for appropriate orders.

3. It has been further submitted that the petitioner's father has owned property in following Survey No.96-5 to the extent of 0.22 cents, Survey No.96-7 the extent of 0.01 cents, Survey No.96-8 to the extent of 0.07 cents, Survey No.96-9 to the extent of 0.03 cents, Survey No.96-10 to the extent of 0.06 cents totally to the extent of 0.39 cents in Pethikuppam village No.62 within the jurisdiction of Sub-registrar office Gummidipoondi. The aforesaid property was purchased by the petitioner's father out of his own income from Mani reddy on 19.06.1984 and the same was registered in Book No.1, Volume No.164, Pages 463 to 466 registered document No.1144/1984 on the file of the Sub- Registrar Office, Gummidipoondi. Further, the petitioner's father has acquired the property in the Patta No.335, 3625 & 51 from the Mani reddy's grandfather's and grandmother's property by way of sale consideration. From the aforesaid property, the petitioner's father has transferred totally 0.08 3/4 cents into the name of the petitioner from the following Patta Nos 335, 3625 & 51 and also from the survey no.96-5, 96-10A as mentioned in the schedule of property in the document No.2164/2020 registered on the file of the Sub-Registrar office Gummidipoondi on 27.07.2020. In this regard, the petitioner has applied sub-division patta for the aforesaid schedule property and the same has been pending without any process and out come.

4. The learned counsel for the petitioner would further submit that the Surveyor has surveyed the property upon the application of the petitioner herein for transfer of patta into his name and filed his report before the head Surveyor and the same is pending under his custody without any process. Despite visitation for several times to the head surveyor, regarding the patta transfer application, there is no response and orders on the said application from the side of the respondents. Hence, the petitioner has applied the afoesaid application for the issuance of patta to the 1st respondent all along with the supporting documents after having paid necessary fees to transfer patta in his name. However, the respondents are wantonly delaying the process of issuing patta without any valid reasons. Hence, the petitioner is left with no other alternative remedy except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India for



issuance of Writ of Mandamus to direct the 1st respondent to issue patta in the name of the petitioner and pass orders accordingly.

5. The learned Government Advocate for the respondents would submit that the respondents may be directed to issue Patta in the name of the petitioner after verifying the related documents in accordance with law.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

7. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court without expressing any opinion with regard to merits of the case, directs the 1st respondent to consider the representation dated 01.03.2021 of the petitioner and pass appropriate orders in accordance with law within a period of four months from the date of receipt of copy of this order.

8. In the result, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The Tahsildhar,
Gummidipoondi,
Thiruvallur District.
2. The Head Surveyor,
Gummidipoondi,
Thiruvallur District.

+1cc to Mr.E.Girirajan, Advocate, S.R.No.59239

+1cc to the Government Pleader, S.R.No.49508

W.P.NO.20221 OF 2021

RSV(CO)

PBS/06/12/2021