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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21583 of 2021

K.Lalitha

...Petitioner

Vs.

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai.

3.The Village Administrative Officer,
Pozhichalur, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 30.06.2021 to include the petitioner's son and daughter's name in the Patta No.584 for the house property situated at Old No.2/736, Plot No.13, Thirumaneeswarar Koil Street, Pozhichalur, Chennai - 600 074 within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This writ petition has been filed for a mandamus to direct the second respondent to consider the petitioner's representation dated 30.06.2021 to include the petitioner's son and daughter's names in the Patta No.584 for a house property situated at Old No.2/736, Plot No.13, Thirumaneeswarar Koil Street, Pozhichalur, Chennai - 600 074.



2.The case of the petitioner is that she is the wife of deceased Kumar who had died on 05.10.2004 leaving behind his surviving legal heirs i.e., herself, son viz., Viswanathan, daughter viz., K.Vidhya and father of the petitioner's husband viz., V.N.Sundaresan and mother viz., Rathanambal.

3.According to the petitioner, her family is in continuous possession and enjoyment of the house situated at the aforesaid address and her father-in-law and mother-in-law were died subsequently after the death of her husband and as of now herself along with her son and daughter are being surviving legal heirs of her deceased husband.

4.The petitioner submits that during life time of her husband, the patta was granted in favour of her husband which was granted by the Special Tahsildar, Natham Scheme, Tambaram and thereafter, the patta has been mutated in her name but the patta was originally granted in the name of her deceased husband and therefore, the names of the surviving legal heirs of her deceased husband has to be added in the patta, but unfortunately, the patta has been granted only in her name.

5.The petitioner further submits that her son and daughter are now earning members, therefore, bank loan or otherwise home loan has to be availed in the names of her son and daughter.

6.According to the petitioner, she is about 67 years old and therefore, the Bank officials have invariably declined to give loan in her name but the Bank officials are ready to grant or sanction loan/home loan/housing loan in the names of her son and daughter but the Bank officials had demanded her to include the names of her son and daughter in the patta, only then the Bank officials will be able to sanction the loan on the capable of repayment and income criteria of her son and daughter.

7.The petitioner submits that apart from the bank officials, the concerned Registrar Office has also demanded them to include her son and daughter's name in the patta, only then the Settlement Deed or Release Deed or any other nature of Deed has to be effected at her house property.

8.The petitioner further submits that for the reasons assigned, she approached the second respondent office in order to include her son and daughter's name in the patta which was granted by the Special Tahsildar, Tambaram during the year 2011.



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9. According to the petitioner, the Property Tax and the Electricity Connection stands in the name of her deceased husband and therefore, the Settlement Deed as well as for availing loan, the names of her son and daughter has to be included in the Patta vide No.584 issued by the Special Tahsildar, Tambaram.

10. The petitioner submits that she had made several visits to the respondents in order to include the name of her son and daughter, but all efforts went in vain and therefore, she made a detailed representation on 30.06.2021 to the respondents in particular the second respondent including supporting documents to include the names of her son and daughter at the patta bearing No.584 and thereafter, she had given a representation to the second respondent in person on 18.08.2021, but till date, there has been no reply or fruitful action has been taken by the respondents.

11. The petitioner has no other alternative alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

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

13. In view of the above facts and circumstances of the case and considering the submission made by the petitioner and without expressing any opinion on merits, this Court directs the second respondent to consider the petitioner's representation dated 30.06.2021 and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The District Collector,
Chengalpattu District,
Chengalpattu.

2. The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai.

3. The Village Administrative Officer,
Pozhichalur, Chennai.

+1 CC to The Government Pleader sr 53162.

W.P.No.21583 of 2021

KV(CO)
SP(16/12/2021)