



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.23280 of 2021

Umayavathi

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.
2. The Revenue Divisional Officer,
Ambattur, Ambattur Road, Ambattur,
Chennai - 600 053.
3. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai - 600 060.
4. The Special Tahsildar,
Natham Settlement Scheme,
Madhavaram Taluk,
No.1, Pazhaniappa Nagar,
Fifth Street, Madhavaram,
Chennai - 600 060.

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to issue Patta in the name of the petitioner for the property at Survey No.265/Part, New Survey No.29, Block 7, Door No.103, Perumal Kovil Street, Idaima Nagar, Madhavaram, Chennai - 600 051, Tiruvallur District, Ambattur Taluk, (presently Madavaram Taluk), measuring an extent of 610 Sq.ft. on the western side of the entire extent of 1632 Sq.ft. by considering the petitioner's representation dated 30.07.2021 and pass orders accordingly.

For Petitioner :: Mr. S.R. Varun Karthik



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

O R D E R

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The relief sought for in this writ petition is for a direction to the respondents to issue Patta in the name of the petitioner for the property at Survey No.265/Part, New Survey No.29, Block 7, Door No.103, Perumal Kovil Street, Idaima Nagar, Madhavaram, Chennai - 600 051, Tiruvallur District, Ambattur Taluk, (presently Madavaram Taluk), measuring an extent of 610 Sq.ft. on the western side of the entire extent of 1632 Sq.ft. by considering the petitioner's representation dated 30.07.2021 and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the property at Survey No. 265/Part, New Survey No. 29, Block 7, Door No.103, Perumal Kovil Street, Idaima Nagar, Madhavaram, Chennai - 600051, Tiruvallur District, Ambattur Taluk (presently Madavaram Taluk), measuring an extent of 610 square feet on the Western side of the entire extent of 1632 square feet was originally occupied by the petitioner's late husband Durairaj Ranganathan from the year 2015.

3. It has been further submitted that the petitioner's husband obtained electricity connection in connection No.018/003/2569 from the Tamil Nadu Electricity Board, Madhavaram Electricity Board, in the year 2015 and prior to her husband, her husband's father had put up a hut and was residing in the aforesaid property. While being so, the petitioner's husband died on 04.01.2017 leaving behind the petitioner and her daughters namely Devi and Chandramathi.

4. The learned counsel for the petitioner would further submit that the petitioner's husband was in continuous possession and enjoyment of the said property without any interruption during his lifetime. Further the petitioner's husband Durairaj Ranganathan had put up a residential house with a cement roof in the said land measuring 610 square feet. After the demise of the petitioner's husband, the petitioner has been residing in the schedule mentioned property. Further, the Electricity service connection was mutated in the name of the petitioner under connection No. 01/018/016/35 and she is paying the Electricity bills promptly. The petitioner is a 50 year old widow and she has been running her livelihood with the widow's pension. Under such circumstances, since the petitioner has no other alternative means and resource to reside and survive, the



petitioner is residing alone at the aforementioned property which is a grama natham site. Hence, the petitioner has made representation dated 10.05.2021 and 30.07.2021 to the respondents herein to issue patta in her name. Even though the said representations have been received by the authorities concerned, no action has been taken on her representation so far. Hence, the petitioner is left with no other alternative and efficacious remedy except to approach this Court by invoking under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondents to issue Natham Patta in her name and pass orders accordingly.

5. The learned Government Advocate for the respondents would submit that as per G.O.(Ms) No.99 dated 21.09.2015, the grievance of the petitioner would have been redressed by the respondents. Hence, the respondents may be directed to consider the representations dated 30.07.2021 within a stipulated period as fixed by this Court.

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 of the learned counsel on either side as well as G.O. (Ms.) No.99 dated 21.09.2015, this Court without expressing any opinion with regard to the merit of the case, directs the respondents to consider and pass appropriate orders on her representation dated 30.07.2021 in accordance with law within a period of twenty weeks 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.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Lbm



To:

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department, Secretariat,
Chennai - 600 009.
2. The Revenue Divisional Officer,
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+1 CC to Mr.S.R. Varun Karthik, Advocate sr 56324
+1 CC to The Government Pleader sr 57133.

W.P. No.23280 of 2021

VBM(CO)
SP(30/11/2021)