

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/1/2021

C O R A M

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Writ Petition No.25920 of 2017

S.Jubadunissa

... Petitioner

Vs

1. The District Collector
Revenue Complex
Puducherry.

2. The Tahsildar
Taluk Office
Oulgaret, Puducherry.

3. S.Sekar

... Respondents

(R.3 impleaded as per order dated 16/11/2017
made in W.P.M.P.No.28964 of 2017 in
W.P.No.25920 of 2017 by SMSJ)

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the second respondent to change the patta based on the strength of the documents submitted by the petitioner for establishing the title of the land and the required application filed on 15/2/2017 and representation filed on 30/10/2017 in respect of the lands comprising in R.S.No.90/6A, Cadastre No.956/1/2 part, 956/2/2/part Patta No.866 to the extent of 940 sq.feet within a time frame fixed by this Court.

For petitioner

...

Mr.P.Suresh

For respondents

...

No appearance

O R D E R

This writ petition is filed for issuing a writ of mandamus, directing the second respondent, to change the patta, based on the documents of title submitted by the petitioner, in respect of the lands comprising in R.S.No.90/6A, Cadastre No.956/1/2

part, 956/2/2/part Patta No.866 to the extent of 940 sq.feet.

2. It is the case of the petitioner that the property belonged to one Veeraraghava Mudaliar, S/o. Chidambaram Mudaliar, Petuchettipet, Oulgaret Commune (now Oulgaret Municipality). It is stated that the said Veeraraghava Mudaliar got the property under a partition deed which was registered before the Notaire, as per French Law. The petitioner purchased the property, as per the sale deed, dated 3/10/2013, which was registered before the Sub-Registrar, Oulgaret, Puducherry, vide, Document No.4540/2013. The petitioner applied for change of patta from the existing registered holder to the present title holder. Despite the petitioner submitted documents relating to the change of patta, respondents have not taken any action for change of patta. Hence the petitioner has approached this Court.

3. It is to be noted that the petitioner has filed a petition to implead the third respondent, on the ground that the third respondent is the adjacent owner of the property to which the petitioner seeks patta. Third respondent has been impleaded as a person who should be heard in the writ petition.

4. Having regard to the pleadings and documents filed, this Court is inclined to dispose of the writ petition, with a simple direction to the second respondent, to consider the representation of the petitioner, dated 15/2/2017.

5. Accordingly, without expressing any opinion on the merits of the petitioner's representation or the case i.e., pleaded by the petitioner in the affidavit filed in support of the petition, second respondent is directed to consider the representation of the petitioner, regarding change of patta in favour of the petitioner, after holding due enquiry and hearing the third respondent and pass appropriate orders, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

6. With the above direction, instant writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition No.2077 of 2019 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

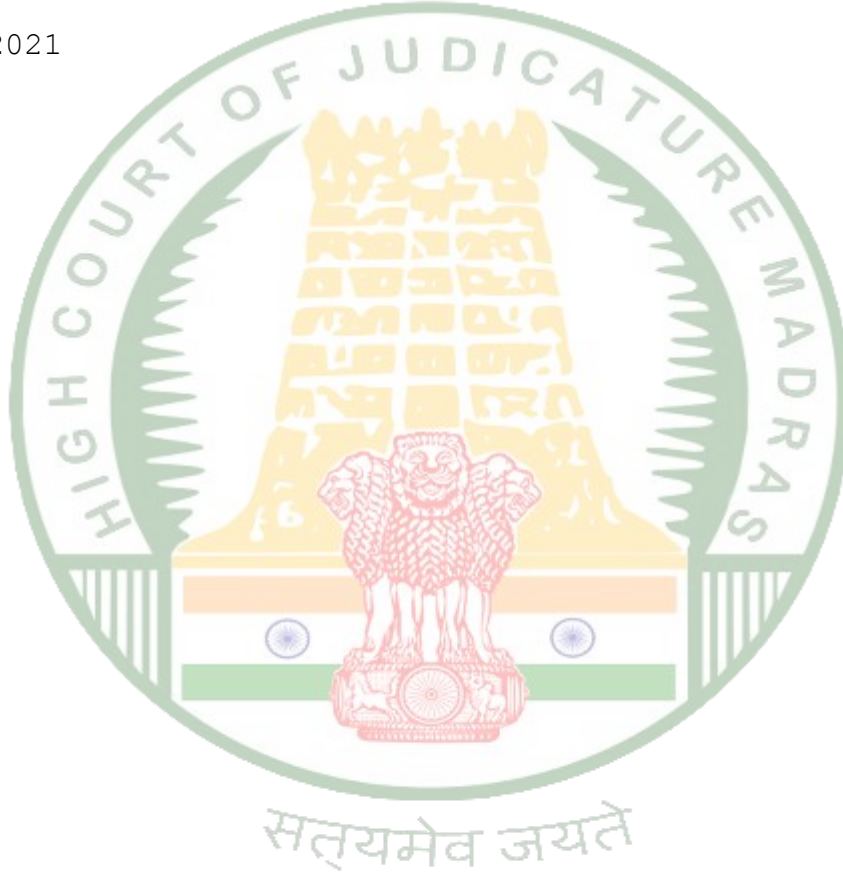
To

1. The District Collector, Revenue Complex,
Puducherry.
2. The Tahsildar, Taluk Office,
Oulgaret, Puducherry.

+1cc to Mr.P.Suresh, Advocate, S.R.No.1455

W.P.No.25920 of 2017

UM(CO)
CS/17/02/2021



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