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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28052 of 2021

S.Jerome Samraj
S/o. M.Chandrasekar
rep. by power of attorney holder
S.Gnanasoundari
W/o.M.Chandrasekar

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Chengalpattu District.
3. The Revenue Divisional Officer,
Tambaram,
Chengalpattu District.
4. The Tahsildar,
Tambaram,
Chengalpattu District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents particularly the Revenue Divisional Officer, Tambaram Division and the Tahsildar, Tambaram to transfer the patta in the name of the petitioner son namely Jerome Samraj in respect of the land in survey No.39 an extent of 5235 sq.ft (12 cents) in Kovilambakkam Village, Chengalpattu District on the basis of the proceedings in Na.Ka.No.3312/2020/B4 dated 18.06.2021 issued by the 4th respondent to the 3rd respondent recommending for the transfer of patta in the name of the petitioner son.



For Petitioner : Mr.K.Balakrishnan

For Respondents: Mr. A.M.Ayyadurai
Government Advocate

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ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents particularly the Revenue Divisional Officer, Tambaram Division and the Tahsildar, Tambaram to transfer the patta in the name of the petitioner's son in respect of the land in survey No.39 to an extent of 5235 sq.ft (12 cents) in Kovilambakkam Village, Chengalpattu District on the basis of the proceedings in Na.Ka.No.3312/2020/B4 dated 18.06.2021 issued by the 4th respondent to the 3rd respondent recommending for the transfer of patta in the name of the petitioner's son.

2. Heard, Mr.K.Balakrishnan, learned counsel appearing for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner is the Power of Attorney of her son. Her son purchased the property, comprised in survey Nos.39 and 39/4 old No. 122 New No. 99 to an extent of 12 cents situated at Kovilampakkam, Tambaram Taluk, Kancheepuram District, from two persons viz., R. Kanniappan and Rajasekaran, by a registered sale deed dated 27.01.1999 vide Document No.134 of 1999. His vendor's purchased the subject property on 15.03.1976, registered vide Document No.383 of 1976 and they were issued Patta No.480 for the total extent of 1.1 acres. After the purchase, the petitioner's son applied for patta. On the said request, the pirka Surveyor made field inspection and found that the patta Nos.1590 and 1591 have already been issued in favour of one Vinayagamoorthy in respect of the subject land. Thereafter, the fourth respondent conducted a detailed enquiry and on the basis of the report submitted by the pirka Surveyor, Medavakkam, Tambaram Taluk on 14.10.2020. The fourth respondent forwarded the proceedings dated 18.06.2021 in Na.Ka.No.3312/B4 to the third respondent and thereby recommended for issuance of patta in favour of the petitioner's son.

4. A perusal of the report dated 18.06.2021 submitted by the fourth respondent reveals that the land comprised in survey No.39 to an extent of 0.46.0 ares under Patta No.480 was stands in the name of one Navaneetha and 14 others. Even though, the patta Nos.1590 and 1591 in survey No.39/7 and 39/8 were stands in the name of Vinayagamoorthy. The said Vinayagamoorthy was not there in the subject property and he was wrongly issued patta.



Therefore, the fourth respondent recommended for transfer of patta in favour of the petitioner's son in respect of the subject property. However, the third respondent is kept the matter pending and not passed any order till today.

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5. Considering the above, the third respondent is directed to transfer the patta in favour of the petitioner's son on the basis of the report submitted by the fourth respondent dated 18.06.2021 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Chengalpattu District.
3. The Revenue Divisional Officer,
Tambaram,
Chengalpattu District.
4. The Tahsildar,
Tambaram,
Chengalpattu District

+1cc to Mr. Balakrishnan, Advocate, S.R.No.249

+1cc to the Government Pleader, S.R.No.1069

W.P.No.28052 of 2021

PCH(CO)
RGA(08/02/2022)