



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27584 of 2023

N.Kalavathy

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Chengalpattu (TK),
Chengalpattu.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue patta in petitioner's favour as per petitioner's application dated 19.06.2023 pertaining to the Survey Nos.42/1B, 30/9, 30/10, 40/B, 40/1A1, 30/10A, 30/11A, 30/7, 30/9, 30/10c, 30/11, 40/1B1 and 40/1A, at Palaveli Village, Chengalpattu District, admeasuring 1 acre 9 cents as per Will dated 04.09.1997 and also admeasuring 2 acre 9 cents as per the settlement deed document dated 22.10.2023.



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For Petitioner : Mr.A.Muruganandam

For Respondent : Mr.E.Sundaram,
Government Advocate

ORDER

The relief sought for in the present Writ Petition is to direct the Tahsildar to issue patta in respect of the petitioner's favour as per petitioner's application dated 19.06.2023 pertaining to the Survey Nos.42/1B, 30/9, 30/10, 40/B, 40/1A1, 30/10A, 30/11A, 30/7, 30/9, 30/10c, 30/11, 40/1B1 and 40/1A, at Palaveli Village, Chengalpattu District, admeasuring 1 acre 9 cents as per Will dated 04.09.1997 and also admeasuring 2 acre 9 cents as per the settlement deed document dated 22.10.2023.

2. The petitioner states that she is entitled to 1 Acre and 9 Cents of land at Palaveli Village, Chengalpattu Taluk, comprised in Survey Nos.30/10c, 30/9, 30/11, 40/1B1 and 40/1A1. The petitioner states that she has already secured manual Patta in her favour from the Tahsildar in Patta No.153 and she is in possession and enjoyment of the property. She has submitted an application to transfer the Patta and the said application was



not considered and therefore, the present Writ Petition is filed.

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3. The Tahsildar had filed a report stating that the petitioner has claimed Mutation Patta in her favour to an extent of 1.09 Acres comprised in Survey No.30/10c, 30/9, 30/11, 40/1B1 and 40/1A at Palaveli Village, Chengalpattu Taluk as per “Will Document No.133 of 1997” executed by her Mother viz., Ambujam Ammal, W/o M.Natesan, in her favour. Similary, she has claimed mutation of Patta in her favour for an extent of 2.09 Acres comprised in S.No.25/7, 30/10, 30/11, 42/1B and 40/1B of Palaveli Village, Chengalpattu Taluk as per Settlement Deed No.3103 of 2003 executed by her Mother Tmt.Ambujam Ammal in her favour.

4. The Tahsildar further states that Mutation of Patta for the lands stated above can be done if the petitioner produces proof for the enjoyment and possession of the aforesaid land.

5. Perusal of the report filed by the Tahsildar creates doubt in the mind of this Court. The Tahsildar has not conducted proper enquiry to ascertain the title as required under the provisions of the Tamil Nadu Patta



Passbook Act, 1983. Mere production of Will Document would be insufficient to form an opinion. More so, it is a vast extent of land falling within the Chennai Belt area and the land totally measures about 3 Acres and 18 Cents. Therefore, an enquiry is to be conducted by the Commissioner of Land Administration, Chepauk, Chennai – 600 005.

6. For the purpose of conducting an enquiry, the Commissioner of Land Administration, Chepauk, Chennai – 600 005 has been *suomotu* impleaded as a respondent, who in turn is directed to call for the records and conduct an enquiry by affording opportunity to the petitioner and other parties and pass appropriate orders on merits and in accordance with law. If at all the Tahsildar has not conducted an enquiry properly, appropriate actions are to be initiated against the Tahsildar also. The said exercise is directed to be completed within a period of four (4) months from the date of receipt of a copy of this order.



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7. Accordingly, the Writ Petition stands disposed of. No costs.

25.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tahsildar,
Taluk Office,
Chengalpattu (TK),
Chengalpattu.



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S.M.SUBRAMANIAM, J.

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