IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35361 of 2024
&
W.M.P.Nos. 38241 & 38243 of 2024

Dr. Maya Vedamurthy ...Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District,
Bharathiyar Street, SP Nagar,
Tiruvallur, Kakkalur – 602 003.

2.Tahsildar,
Poonamallee Taluk,
Tiruvallur District.

3.Revenue Divisional Officer,
Poonamallee Taluk,
Tiruvallur District. ...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 19.07.2024 bearing Ref.No.Na.Ka.No.16675/2022/No.1 and quash the same and consequently direct the 1st respondent to rectify the wrong entry made in the UDR register in so far as the petitioner's lands in Survey No.389/4, Ayanambakkam Village, Poonamallee Taluk, Tiruvallur District, admeasuring an extent of 39 cents is concerned and issue patta in favour of the petitioner for the said property.

For Petitioner	:	Mr. Rahul Balaji
For Respondents	:	Mr. A.Selvendran Special Government Pleader

O R D E R

The above Writ petition demonstrates how the revenue authorities refused to consider the documents that are submitted before them and find reasons for rejecting requests despite the fact that the petitioner has been able to establish her case.

2. The petitioner's great grand father one Sabapathy Mudali owned various parcels of land including the subject property at Ayanambakkam Village. Under a deed of partition dated 12.12.1926 registered as Doc.No.3440/1926, on the file of the Sub Registrar, Saidapet, the properties were partitioned amongst the sons of Sabapathy Mudali, namely, Balakrishnan and Murugesan, after the demise of Sabapathy Mudali. The partition deed also includes properties that had been purchased by Murugesan by way of a sale deed of the year 1892 and which he had obtained under a "Will" from his mother side as well as ancestral properties belonging to his father, Sabapathy Mudali.

3. The properties in Ayanambakkam Village were his father's ancestral properties. From the date of the partition, the grand father

of the petitioner herein, namely, Balakrishnan was in absolute ownership, possession and enjoyment of the subject property. On his demise, the same devolved upon the petitioner's father, Rathina Sabapathy, who was the only son of Balakrishnan.

4. The petitioner's father was in exclusive and absolute possession and enjoyment of the property and the revenue records stood in his name. Under a registered settlement deed dated 05.04.2005, Rathina Sabapathy settled the subject property in favour of the petitioner herein, who has since been in possession and enjoyment of the same. At the time of execution itself, the petitioner had paid necessary charges for subdivision and issue of new patta.

5. The petitioner is the only daughter of the said Rathina Sabapathy. The petitioner would submit that though the physical revenue records reflected the name of her father, the online revenue records incorrectly reflected the same to be the Government Land.

Likewise, the respondents who were bound to immediately mutate the revenue records in favour of the petitioner has failed to do the same despite receiving the payment. Therefore, the petitioner had filed an application for rectifying the online records and issuance of patta to her vide representation in June 2016.

6. The Tahsildar, Maduravoyal Taluk, passed proceedings dated 19.07.2016 in Na.Ka.No.841/2016/A1, affirmed the fact that the online records showed the incorrect classification and ordered correction and issuance of patta in favour of the petitioner.

7. The petitioner would submit that she was also granted ULC patta in Patta No.226 on 21.07.2016. The petitioner has constructed warehouse after obtaining permission from the authorities. The petitioner's property is also assessed to property tax. In the year 2018, the petitioner had applied for *"no objection"* certificate from the Urban Land Tax Department, to state that the land does not come

under the purview of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. By proceedings dated 10.09.2018, the Assistant Commissioner, Urban Land Tax Department, Poonamallee, have also issued the *"no objection"* certificate. Since she was neither issued with patta nor online revenue records corrected, the petitioner made a representation on 16.10.2019 for the issuance of separate patta in her name.

8. The petitioner's request for SLR and RSRSR extract had been turned down by the authorities stating that SLR was not available in the records and the RSRSR was not available for being photocopied as it was very old record.

9. Meanwhile, the Commissioner of Income Tax had ordered provisional attachment of the subject property. Since the UDR A - Register wrongly reflect the land to be the Government land, the petitioner applied for patta and she was called for an enquiry on

19.01.2023 and on the said date, she had produced all the records relating to the land in question.

10. Thereafter, the 1st respondent issued a letter dated 09.11.2023 to the Sub Registrar, Saidapet, seeking for the production of the partition deed bearing No.3440/1926. The 1st respondent appears to have issued a letter to the Sub Registrar, Saidapet, seeking encumbrance certificate from the year 1875 till date and also for the production of the sale deed dated 03.08.1892.

11. A reply was addressed to the 1st respondent by the Sub Registrar, Saidapet, dated 28.05.2024, wherein it was conveyed that the copy of the documents were not available. However, ignoring the reports of the 2nd and 3rd respondents, the 1st respondent proceeded to reject the petitioner's request. As against which the petitioner is before this Court.

12. Heard the learned counsels on the either side and perused the records.

13. A mere perusal of the impugned order would clearly show that the 1st respondent has totally failed to appreciate all the documents that have been produced on the side of the petitioner to show that the property has been with them atleast since 1926, which was the document under which Sabapathy Mudali, the original owner had partitioned the properties. The revenue records stood in the names of the aforesaid persons and the property continued to remain with the petitioner's family to date.

14. After 1926 partition deed, under the registered settlement deed dated 05.04.2005 the property has been settled by Rathina Sabapathy in favour of the petitioner. The petitioner has been issued with patta. An inspection of the site would have revealed that the building has been put up and all the documents relating to the said

property stood in the name of the petitioner and she was the person paying the taxes. The Urban Land Tax Department has also issued *"no objection"* certificate. Further, the income tax authorities have also attached the property for certain dues from the petitioner.

15. All of which would clearly indicate not only the title but also the possession of the property is with the petitioner. Leaving aside all these documents, the 1st respondent has sought for the document of the year 1800s, knowing fully well that the documents are not even with the revenue authorities.

16. The fact that the 1st respondent has not even considered the documents submitted by the petitioner clearly shows his bias. Therefore, Writ Petition is allowed. The impugned order is quashed. The 1st respondent is directed to issue patta and mutate all the revenue records in favour of the petitioner, within a period of 3 weeks from the date of receipt of a copy of this order. Consequently, the connected

miscellaneous petitions are closed. No costs.

27.11.2024

Index : Yes/No
Internet : Yes/No
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<u>P.T. ASHA, J,</u>

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