



Writ Petition No.5005 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5005 of 2025

V.Hemavathi
W/o Dhanasekar No 2/77, Mudichur
Road, Parvathi Nagar, Old
Perungalathur, Chennai 600 063

Petitioner

Vs

1. The District Collector
Chengalpattu District,
Chengalpattu 603 001.
- 2.The District Registrar
Office Of The District Registrar,
South Chennai, Peranpet,
Nandanam, Chennai 600 035.
- 3.The Revenue Divisional Officer
Tambaram Division, Tamabaram,
Chennai.
- 4.The Tahsildar
O/o Tambaram Taluk Office,
Tamabaram, Chennai.
- 5.The Sub Registrar
Padappai Sub Registration Office,
Padappai, Kundrathur Taluk,



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Kancheepuram District

6.The Assistant Director Of Ex-servicemen
Kancheepuram At Tambaram
Chennai 600 045

Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned order having reference Mu.Th.Manu.No. 9605283/2024/A1 dated 22.11.2024 on the file of the 4th Respondent, and quash the same and consequently directing the 4th respondent, to carry out changes in the A Register by incorporating the Land Assignment granted in PRO.D.O No.15/79/B2 dated 13.09.1970 in respect of the S.F.No.388/1, Perungalathur Village, Tambaram Taluk Chengalpattu District.

For Petitioner	:	Mr.E.P.Senniyangiri
For Respondents	:	Mr.U.Baranidharan Special Government Pleader for R2 & R5 Mr.A.Selvendran Special Government Pleader for R1, R3 and R4 R6 - Served - No appearance



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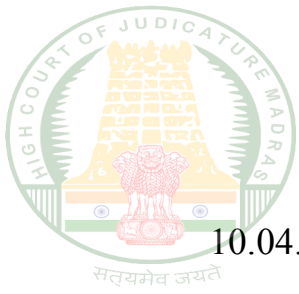
ORDER

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This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 22.11.2024 and for a consequential direction to the fourth respondent to carry out the changes in the A-Register by incorporating the land assignment that was granted in the name of the petitioner's father through proceedings dated 13.09.1970.

2. Heard Mr.E.P.Senniyangiri, learned counsel on record for petitioner, Mr.U.Baranidharan, learned Special Government Pleader for R2 & R5 and Mr.A.Selvendran, learned Special Government Pleader for R1, R3 & R4.

3. The grievance of the petitioner is that the subject property was assigned in the name of the petitioner's father through proceedings dated 13.09.1970 by the Tahsildar, Saidapet. The 'D' form patta was also issued in the name of the petitioner's father on 21.01.1971. Since then, the petitioner's father was in possession and enjoyment of the property and he died in the year 1980. Subsequently, his legalheirs were in possession and enjoyment of the property. The mother of the petitioner executed a Will in favour of the petitioner and other siblings which was registered as Document No.11/1998. The petitioner's mother died on



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10.04.2009 and thereby, the Will came into force. The petitioner and other siblings were attempting to sell the property and they entered into a sale agreement which was also registered as Document No.8336/2011. When they applied for mutation of revenue records to include their names in the patta, the said application was not considered and as a result, W.P.No.6899 of 2016 was filed before this Court by the petitioner's sister. The said writ petition was disposed of by an order dated 25.02.2016 directing the concerned authority to pass orders within a period of twelve weeks.

4. Pursuant to the above order, the relevant documents were placed before the concerned authorities and in spite of the same, no action was taken which impelled the petitioner to file W.P.No.30391 of 2023 before this Court. The said writ petition was disposed of by an order dated 28.11.2023.

5. Ultimately, the impugned proceedings dated 22.11.2024 came to be issued by the fourth respondent which has been put to challenge in the present writ petition.



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6. The fourth respondent has filed a counter affidavit. The

relevant portions in the counter affidavit are extracted hereunder:

12) With regard to the averments of the Petitioner set out in paras 10 to 12 of the affidavit, it is respectfully submitted that the said land in S.No.388/1 of Perungalathur village stands registered as follows in the UDR Register under maintenance of this office.

Survey Number	Extent in Hec.Ares.	Classification	Remarks
388/1	01 .37. 50	Government Nanjai	Tharisu

Even in the "A" Register for Perungalathur village, the said land stood registered as follows:

Survey Number	Extent in Hec.Ares.	Classification	Remarks
388/1	01.37.50	Government Nanjai	Tharisu



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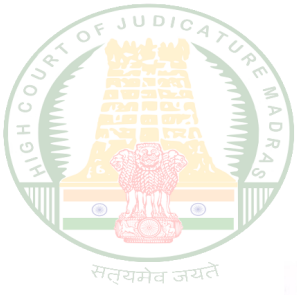


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The said land comprised in S.No.388/1 of Perungalathur Village stands classified as follows in the land Records under maintenance of this office.

Taluk	Tambaram		
Village	Perungalathur		
Survey Number	388/1		
classification	Government Nanjai		
Extent	Hectares	Ares	Sq.Mtres
	01	36	00
Patta No.	0		

13) I respectfully submit that though the Petitioner herein claims that an order of assignment was issued in favour of his father as early as in the year 1979, there are no entries made either in the Village or in the Taluk Account for having granted an order of assignment. The said land is vacant on ground as of now. At this juncture, the Petitioner had also submitted a petition to the Chief Minister of Tamil Nadu seeking patta for an extent of 3.36 Acres of land comprised in S.No.388/1 of Perungalathur village. A perusal of the records shows that there is a ban for assignment of land in the Chennai District Belt area as per G.O.Ms.No.1135, Revenue Department dated 17.03.1962 and for the reason that the order of assignment is not supported by the Revenue Records, the genuineness of



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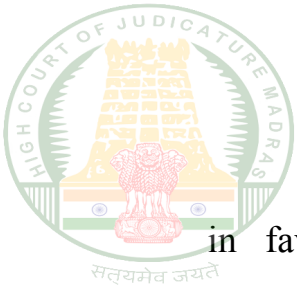
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the said order of assignment purported to have been issued in favour of the Petitioner's father could not be confirmed. Hence, the request of the Petitioner for grant of patta for an extent of 3.36 Acres of land comprised in S.No.388/1 could not be considered by this office favourably. Hence, a detailed report has been sent to the office of the District Collector, Chengalpattu through Revenue Divisional Officer Tambaram vide 4th respondent office letter Mu. Tha. Manu. No. 9605283/2024/B1 dated 22.11.2024 and the same is under consideration. Further I submit that the letter sent to the above offices is not a impugned order.

14) With regard to ground (a), it is respectfully submitted that the issue of the letter in this office ref.Mutha.Manu.No.9605283 /22024/A1 dated 22.11.2024 is in order in view of the circumstances stated supra.

7. The only issue that arises for consideration in the present writ petition is as to whether the patta has to be transferred in the name of the petitioner and other siblings based on the assignment order dated 13.09.1970 and subsequent 'D' Form patta that was issued in favour of the petitioner's father on 21.01.1971. As on today, the property has been classified as 'Nanjai Tharisu' in the A-Register.

8. The learned Special Government Pleader appearing on behalf of the respondent submitted that there was subsequent bifurcation of the District and records pertaining to the subject property is yet to be traced. The learned Special Government Pleader submitted that once the records are traced and if it is found that the assignment patta was granted



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in favour of the petitioner's father, necessary orders will be passed by transferring the patta in the name of the petitioner and other siblings.

9. In the light of the above submission, the respondents will have to merely verify the genuineness of the assignment order and 'D' form patta that is being relied upon by the petitioner and other siblings.

10. The learned counsel for the petitioner submitted that the petitioner is in possession of the original assignment order and also 'D' Form patta and the same has already been produced.

11. In view of the same, there shall be a direction to the fourth respondent to verify the assignment order and 'D' Form patta and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

In the result, the Writ Petition is disposed of in the above terms. There shall be no order as to costs.

09.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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N.ANAND VENKATESH, J

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