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WP No.39490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.01.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP No.39490 of 2024

K.Sujatha

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruvallur, Tiruvallur District 602 001

2. The Tahsildar,
Uthukottai Taluk,
Uthukottai 602 026
Thiruvallur District

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner, dated 13.09.2024 positively and to transfer the name in the patta bearing Patta No.852 in respect of the property, comprised in Survey No.67/4, measuring to an extent of 0.81.00 hectare, situated at Kachchr Village, Uthukkottai Taluk, Thiruvallur District and issue joint patta of the said property in the name of the petitioner and



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her family members.

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For Petitioner : Mr.V.Suriya Sankar
For Respondents : Mr.P.Sathish
Additional Government Pleader
for Respondents 1 and 2

ORDER

The writ petition is filed for the issue of writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 13.09.2024 and to transfer the name in the Patta bearing Patta No.852, in respect of the property, comprised in Survey No.67/4, measuring to an extent of 0.81.00 hectare, situated at Kachchur Village, Uthukottai Taluk, Thiruvallur District and for a consequential direction to the respondents to issue joint patta of the said property in the name of the petitioner and his family members.

2. It is the petitioner's case that she is the joint owner of an agricultural land situated at Kachchur Village, Uthukottai Taluk, Thiruvallur District measuring an extent of 2.00 cents, which is 0.81.00 hectare comprised in Survey No.67/4. Theses lands were assigned to the petitioner's



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mother Amulu W/o.Kattaiyan as she was a poor landless farmer in the year 2006. The 2nd respondent had passed an order in respect of the aforesaid assignment and from the date of assignment, the petitioner's mother was in absolute possession and enjoyment of the land. Since she had enjoyed the land for over 15 years, she had been issued with a regular patta and the revenue records were all mutated in her name.

3. The petitioner's mother died intestate on 14.01.2024 leaving behind Kattaiyan, two daughters, the petitioner and Bhavani and her son Balaji as her surviving legal heirs.

4. The petitioner would submit that all of them are living as joint family in the same village and are in joint possession and enjoyment of the land by cultivating the same. Since the patta and other revenue records continued to remain in the name of her mother, the petitioner had made a representation on 30.09.2024 seeking transfer of patta by enclosing death certificate and legal heirship certificate of the petitioner's mother. Though the application has been received, the respondents have failed to take any



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action for transferring the said patta. Therefore, the petitioner is before this Court seeking a mandamus.

5. Heard Mr.V.Suriya Sankar, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for Respondents 1 and 2

6. From the aforesaid narration of facts and the documents filed, it is clear that the petitioner and her father and siblings are all claiming a right under her mother Amulu, who has been assigned the property. The petitioners are seeking a transfer of patta on the basis of being a legal heirs based on original assignment. The representation which has been given on 30.09.2024 with all the contended documents has not been taken into consideration and no notice of enquiry has been received by the petitioner till date. Therefore, since the 2nd respondent has failed to discharge its statutory duty, a mandamus is issued to the 2nd respondent to dispose of the representation dated 13.09.2024 by transferring the patta and issue a joint patta to the petitioner and others within a period of twelve weeks from the



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date of receipt of a copy of the order.

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7. This Writ petition is allowed accordingly. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruvallur, Tiruvallur District 602 001

2. The Tahsildar,
Uthukottai Taluk,
Uthukottai 602 026
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