

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.39437 of 2002

N.Radheshymlal

... Petitioner

- Vs -

1. The Tahsildar
V.O.C. Nagar Division,
Block 71, R.S. 8221
Fort, Tondiarpet Taluk,
Park Town, Chennai-3.

2. The Revenue Officer,
New Zone 3, Division 48
Bill 0645, Corporation of Chennai,
Chennai - 600 003.

3. Area Engineer III,
C.M.W.SSB/No/03/048/0695/6000
No.3, Vadivelu 2nd Cross Street,
Perambur, Chennai - 600 011.

4. The Assistant Accounts Officer,
Seven Wells Revenue Unit,
Tamil Nadu Electricity Board,
Seven Wells, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the respondents 1 to 4 not to transfer the name of the petitioner to any other third parties if transferred and rectify the same in all the revenue records in respect of the property situated at No.18, Perianerkkaran Street, Sowcarpet, Chennai-79 in O.S.No.2490, R.S.8221 Division 48, V.O.C.Nagar Division Block, 71, Fort Tondiarpet Taluk, Corporation of Chennai, New Zone 3, Bill 0645, Chennai-79.

For Petitioner	: Mr.M.V.Venkateseshan
For R1 & R2	: Mr. S.Diwakar
For R3	: Mr. V.N.Mohanraj

ORDER

Seeking writ of mandamus directing the respondent not to transfer the name of the petitioner in the revenue record, the present writ petition has been filed.

2. In the counter affidavit filed, the following stand has been taken:

"But a perusal of the records show that there is no such back disposal maintained in this office and the entries seemed to be a bogus entries made in the Revenue records without any basis. The then Tahsildar in his letter No.A1/1120/2008 dated 05.05.2008 addressed to the District Collector had solicited instructions to restore original entry pending disposal of the above court case to redress the grievance of the petitioner.

In this connection, a detailed report was submitted to the District Revenue Officer, Chennai in this office letter No.B2/5744/2015 dated 29.09.2015 with a request to cancel the Transfer of Registry effected in the names of Tvl.B.Vasanthakumar and Sandhya in the Revenue Records. On receipt of orders from the District Revenue Officer, the original entries will be restored in the name of the writ petitioner.

In this connection, it is most humbly that though the entries made in the names of Tvl.B.Vasanthakumar and Sandhya in the Revenue Records are bogus, the same has to be cancelled only by an order of the District Revenue Officer. Hence, a detailed report in this regard is submitted to the District Revenue Officer. On receipt of orders, the original entries will be restored."

3. The learned counsel for the petitioner has submitted that the suit filed in C.S.No.331/96 has ended against him as confirmed in the appeal. However, the petitioner has filed special leave petition in which interim order has been granted.

4. Now, in the present proceedings, the private parties against whom, the petitioner seeks relief have not been arrayed as respondents. The law is quite settled that a patta is not document of title and the revenue authorities are bound by the Judgment and Decree of the Civil Court. Admittedly, the suit is for declaration.

5. Thus, the writ petition stands disposed of giving liberty to the petitioner to approach the respondents concerned in the event of the special leave petition being allowed in his favour. No costs.
Kua

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Tahsildar
V.O.C. Nagar Division,
Block 71, R.S. 8221 Fort, Tondiarpet Taluk,
Park Town, Chennai - 600 003.

2. The Revenue Officer,
New Zone 3, Division 48
Bill 0645, Corporation of Chennai,
Chennai - 600 003.

3. Area Engineer III,
C.M.W.SSB/No/03/048/0695/6000
No.3, Vadivelu 2nd Cross Street,
Perambur, Chennai - 600 011.

4. The Assistant Accounts Officer,
Seven Wells Revenue Unit,
Tamil Nadu Electricity Board,
Seven Wells, Chennai.

+1 C.C. To MR.M.V.Venkateseshan, Advocate in SR.NO.54570

+1 C.C. To Government Pleader in SR.NO.54757

WEB COPY

W.P.No.39437 of 2002

GGK(CO)

sd : 19/10/2015