

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.31158 of 2015

A.K.Sultan Allaudin

.. Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Special Tahsildar,
Land Revenue,
Alandur Taluk,
Nanganallur,
Chennai-61.
- 3.S.P.Velayudham

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the second respondent to issue patta in the petitioner's name.

For Petitioner : Ms.S.Sridevi

For Respondents : Mr.P.Karthikeyan,
GA for RR1 and 2
Mr.R.Thiagarajan for R-3

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ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the second respondent to issue patta, in the name of the petitioner and to pass further or other orders, as this Court may deem fit and proper, in the circumstances of the case.

3 The petitioner has stated that he had purchased the properties, in S.Nos.19/9 and 21/9, having an extent of 200 sq. ft and the shop built on it, situated in Tambaram Taluk, Kanchipuram District, from G.Shanmugavalli, wife of B.Gokulakrishnan, by way of a registered sale deed, bearing document No.2750/2004, registered at the office of the Sub Registrar, Alandur, dated 18.10.2004. From the said date of the registration, the petitioner has been in possession and enjoyment of the properties in question.

4 The petitioner has stated that he had purchased another property of a similar extent, in the same survey numbers, from A.Murugesan, by way of a registered sale deed, bearing document No.1729/2004, registered at the office of the Sub Registrar, Alandur, on 25.6.2004. Similarly, he had purchased another property, having an extent of 400 sq. ft., in the same survey numbers from P.Rajan, by way of a registered sale deed, bearing registration No.2656/2004, dated 5.3.2004.

5 The petitioner has further stated that the vendors of the above mentioned properties had purchased them from M/s.Cork Industries, a registered partnership firm, represented by its partners, S.N.Bhatt, Kiran S.Bhati and S.Tharan Sai S.Bhatt.

6 The petitioner has been paying the property tax, in respect of the properties concerned and had also obtained electricity connections, in his name. Thereafter, he had applied for the transfer of patta, in his name, before the second respondent. However, the Special Tahsildar, Land Revenue, the second respondent herein, had directed the petitioner to obtain appropriate orders from the Court of law, referring to the fact that there have been several cases, which have been filed before this Court, in Criminal R.C.No.760 of 2010, CrI.O.P.No.2371 of 2010 and W.P.No.16223 of 2013. The said cases are not relating to the properties, purchased by the petitioner. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

7 The third respondent has filed a counter affidavit before this Court, stating that the writ petition filed by the petitioner is an abuse of the process of the Court. It has been stated that the petitioner ought not to have filed the present writ petition before this Court, praying for a writ of mandamus to direct the second respondent to issue patta, in his name, in respect of the properties in question. The third respondent had purchased a large extent of about 10.76 acres, situated at No.24, G.S.T. Road, Guindy, Chennai, for a valid consideration. The authority concerned had issued patta, in the name of the third respondent, in respect of the properties in question, after perusing the original title deeds and on verification of

the revenue and municipal records. The third respondent has been in possession and enjoyment of the properties in question, including the properties claimed by the petitioner.

8 It has been further stated that the properties, alleged to be in the possession and enjoyment of the petitioner, is the subject matter of the litigation before this Court, in W.P.No.33462 of 2014. The said writ petition, which had been filed for annulling the sale deed, registered in favour of the third respondent, had been disposed of and the sale deed had been annulled. The writ appeals filed, in W.A.Nos.59 and 60 of 2016, are pending disposal on the file of this Court. While so, the petitioner has preferred the present writ petition before this Court, for the issuance of the patta, in his favour, in respect of the properties in question. A criminal case, in CrI.O.P.No.27317 of 2010, had also been filed, in respect of the properties in question. The said matter had gone upto the Supreme Court, in S.L.P. (Criminal) No.838 of 2015, wherein, it had been held that it is for the parties concerned to seek redressal of their grievances, if any, before the competent civil court. As such, the present writ petition filed by the petitioner is devoid of merits and therefore, it is liable to be dismissed, in limine.

9 Having heard the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the present writ petition filed by the petitioner is not maintainable. It is clear that a number of cases had been filed, in respect of the properties in question, raising various disputes. It is also noted that the Supreme Court, in its order, made in S.L.P. (Criminal) No.838 of 2015, had directed the parties concerned to seek their remedies, if any, in respect of the properties in question, before the civil forum. In such circumstances, it is clear that no Writ of Mandamus will be issued to the second respondent, to issue the patta, in favour of the petitioner, in respect of the properties in question, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. No costs. However, it goes without saying that it may be open to the petitioner to seek his remedies, if any, before the appropriate civil forum, if so advised, in the manner known to law.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Special Tahsildar,
Land Revenue,
Alandur Taluk,
Nanganallur,
Chennai-61.

+1 cc to M/s.Sridevi Advocate sr.39976
+3 ccs to M/s.R.Thiyagarajan Advocate sr.39969
+1 cc to Government Pleader sr.40643

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