

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.28354 of 2013

&

W.M.P.No.1 of 2013

1. S.Lakshmi
2. S.Kumaran
3. S.Kamaladasan
4. S.Nandakumar

... Petitioners

Vs

1. The Secretary to Government,
Revenue Department,
Secretariat Fort St. George,
Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The Collector,
Kancheepuram District,
Kancheepuram - 631 501.
4. The District Revenue Officer,
Collectorate Kancheepuram,
Kancheepuram - 631 501.
5. The Tahsildar, Chengalpattu,
No.301, Old Court Compound,
Taluk Office Street, Chengalpattu - 603 001.
6. The Sub Registrar Thiruporur,
23, South Mada Street,
Thiruporur.
7. Sathyanarayana Reddi
8. C.Yashwanth Narayana
9. C.Dhanvanthini
- 10.C.Vasantha
- 11.Nirmal Gadhiya
- 12.A.Sushila Devi
- 13.A.Sitabai

14.The President,
Thalambur Panchayat,
Thiruporur Panchaya Union,
Thazambhur Village,
Kancheepuram District.

15.M/s.Deccan Anraj Foundation,
rep. by its Manager J.S.Vasudevan,
No.24, Dr.B.N.Road, T.Nagar,
Chennai - 600 017.

16.M/s.Ramaniyam Real Estates Limited,
rep. by its Director V.Jagganathan,
No.21, [Old No.11], Second Main Road,
Gandhi Nagar, Adyar, Chennai - 600 020.

17.M/s.Shreyas Investments,
rep. by its Partner A.Sekar
No.240, Royapettah High Road,
Chennai - 600 014.

18.M/s.Baluanand Finance Limited,
rep. by its Director A.Balasubramaniann,
New No.35b[Old No.16C],
Damodaran street, T.Nagar,
Chennai - 600 017.

19.Sivaraman

20.D.Karthik Raj

21.D.Deepak Raj

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the third and fifth respondents to carry out patta transfer in the names of the petitioners for an extent of 5 acres in survey No.162/1, in Thalambur Village, Thiruporur Taluk, Kancheepuram District within the Sub registration district of Thiruporur and registration district of Chengalpattu.

For Petitioners : Mr.S.NamaSivayam

For Respondents : Mrs.E.Rani Selvam,
Additional Government Pleader
for R1 to R6
Mr.V.K.Vijayaraghavan - R7 to R10
Mr.R.Sivaraman - R.16 & 17
Mr.M.Devaraj - R20 & 21
N.A - R.11 o 15, 18 & 19.

O R D E R

The petitioners claim to be the owner of the lands measuring in Survey No.162/1 in Tiruporur Taluk, Kancheepuram District, they having derived their title from their grand father, in whose name patta No.335 stood. The petitioners had made an application to the fifth respondent for issuance of patta in their name. However, it was noticed that the respondents 7 to 21 were also making claims for the said land and as a matter of fact, patta has also been issued in their favour. Patta No.2022 was granted in favour of the 16th to 17th respondents. Hence, the petitioners have made an application to the fifth respondent seeking for cancellation of patta No.2022 issued in favour of the 16th to 17th respondent, with a consequential prayer to issue patta in their favour. Since, the fifth respondent had not disposed of the petitioner's application, the present Writ Petition has been filed.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. In view of the limited prayer sought for in the writ petition, without going into the merits of the claim made by the petitioners, the petitioners are directed to make a fresh representation venting out their plea for cancellation of patta No.2022 and for issuance of patta in their name, and on such representation being made, the fifth respondent is directed to conduct a proper enquiry as per the procedure contemplated under the Patta Passbook Act and pass appropriate order on the representation of the petitioners within a period of twelve weeks from the date of receipt of the copy of the Order. The fifth respondent, while disposing the said appeal petition, shall also give opportunity to the respondents 7 to 21 herein and pass appropriate orders after considering all their objections.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Revenue Department,
Secretariat Fort St. George,
Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The Collector,
Kancheepuram District,
Kancheepuram - 631 501.
4. The District Revenue Officer,
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No.301, Old Court Compound,
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6. The Sub Registrar Thiruporur,
23, South Mada Street,
Thiruporur.

+1cc to Mr.S.NamaSivayam, Advocate, S.R.No.67758
+1cc to the Government Pleader, S.R.No.67922

W.P.No.28354 of 2013

RJ(CO)
CA(19/12/2016)

सत्यमेव जयते

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