

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15104 of 2012

1.Kadai Abdullah

2.Asifa Rizwan Arif

3.Abdullah Mohamed Jasim

.. Petitioners

1 to 3 petitioners rep. by their
Power of Attorney Agent A.S.Ishaq

-vs-

1.The District Revenue Officer,
Kanchipuram District.

2.The Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.

3.S.Shanti

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 1st respondent to pass suitable orders on the petition dated 02.09.2011 seeking to issue patta for their property to an extent of 26.15 cents situated at No.132 (Old No.112) Palavakkam Village, Chengai MGR District, Tambaram Taluk, forming part of R.S. No.6/1A, 1D & 1B (as per Patta 2563 R.S. No.6/1A, 1D & 1B)

For Petitioners: Mr.K.Mohanamurali

For Respondents: Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1 and R2
Mr.R.Umasuthan for R3

ORDER

The writ petition has been filed seeking a direction to the first respondent to pass suitable orders on the petition dated 02.09.2011 made by the petitioners to issue patta for their property to an extent of 26.15 cents situated at No.132, Palavakkam Village, Chengai MGR District, Tambaram Taluk.

2.Learned counsel appearing for the petitioners would submit that the petitioners are the owners of the properties shown in the Sale Deeds in Document Nos.1916, 1917 and 1918 of 1999 dated 06.08.1999 on the file of the Sub Registrar Office, Neelangarai and the same were purchased from one Tiripurasundari Hotels Limited and from the date of purchase of the properties, the petitioners are in possession and enjoyment of the same. Learned counsel appearing for the petitioners would further submit that since the third respondent has attempted to disturb the possession of the petitioners, O.S. No.639 of 2006 was filed before the District Munsif Court, Alandur by the petitioners, who have also obtained an order of injunction in I.A. No.2769 of 2006 in O.S. No.639 of 2006 against the third respondent and her husband. Hiding the said facts, the third respondent filed E.A. No.209 and 210 of 2010 in E.P. No.180 of 2003. As against the same, the petitioners herein filed a petition in C.R.P. (NPD) Nos.1796, 1797 and 2378 of 2012. This Court, by order dated 24.07.2012, while setting aside the order passed by the Additional Sub Court, Chengalpet, ordered the C.R.P. Nos.1796 and 1797 of 2012 and dismissed the C.R.P. No.2378 of 2012 filed for restoration with the observation mentioned therein. Therefore, the petitioners have given a representation dated 02.09.2011 seeking for issuance of separate patta. Since the above C.R.P. Nos.1796 and 1797 of 2012 were ordered as prayed for by the petitioners, there is no impediment for the Tahsildar to consider the case of the petitioners. Therefore, a direction be issued to the Tahsildar to consider the case of the petitioners, after giving notice to the third respondent.

3.Learned Additional Government Pleader appearing for respondents 1 and 2 sought eight weeks time to consider the representation given by the petitioners.

4.In the light of the order passed by this Court in the above C.R.P. Nos.1796 and 1797 of 2012, the petitioners are directed to give fresh application along with the copy of this order and also the order passed by this Court in the above C.R.Ps. and other supporting documents to establish their title and ownership of the petitioners, within a period of two weeks from the date of receipt of a copy of this order.

*** "if any such application is filed, the Tahsildar,**

Sholinganallur is directed to consider the case of the petitioners, after giving notice to the third respondent or the subsequent purchasers who have stepped into the shoes of the third respondent, within a period of four weeks from the date of representation of the petitioners to be given by them."

Sd/-
Assistant Registrar(Insp cell)
Dated 01.10.2019

* Corrected as per order of this Court
dated 12.11.2019 in WP.No. 15104 of 2012

Sd/- Assistant Registrar(Insp Cell)
Dated: 15.11.2019

//True Copy//

Sub Assistant Registrar

vga
To

1.The District Revenue Officer,
Kanchipuram District.

To be substituted to this

2.The Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.

order already despatched on
04/10/2019

+1cc to M/s.K.Mohanamurali, Advocate, SR.82841
+1cc to the Government Pleader, SR.83178

+1cc to Mr.K.Mohana Murali, Advocate, S.R.No. 93492

W.P. No.15104 of 2012

RK(CO)
CB(01/10/2019)

RSK(CO)
GN(15/11/2019)

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