

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.16922 of 2009
and
M.P.Nos.1 and 2 of 2009

P.Santhanam

..Petitioner

Vs

1.The District Collector,
Tiruvallur District,
at Tiruvallur.

2.The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.

3.The Deputy Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.

4.Smt.Kavitha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, calling for the records pertaining to the letter in R.P.T.No.16765/08 A dated 23.07.2009 issued by the 3rd respondent herein and quash the same as illegal, improper, unreasonable, arbitrary and against the natural justice and violation of the rules and thereby direct the respondents 1 to 3 to consider petitioner's reply dated 03.08.2009 and forbear the respondents 1 to 3 from measuring, subdividing and transferring patta of the petitioner's land situated in Survey No.542/1 to an extent of 0.70 cents, Survey No.542/2 to an extent of 0.72 cents, Survey No.544/4 to an extent of 0.71 cents Pandur Village, Tiruvallur Taluk and District in the name of the 4th respondent herein.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.I.Sathish
Additional Government Pleader
for R1 to R3
Mr.C.Chockalingam for R4

O R D E R

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3, the learned counsel for the fourth respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of certiorarified mandamus, to quash the impugned letter in R.P.T.No.16765/08 A dated 23.07.2009, issued by the third respondent and consequently, direct the respondents 1 to 3 to consider the petitioner's reply dated 03.08.2009 and forbear the respondents 1 to 3 from measuring, subdividing and transferring patta of the petitioner's land situated in Survey Nos.542/1, 542/2 and 544/4 measuring to an extent of 0.70 cents, 0.72 cents and 0.71 cents, respectively at Pandur Village, Tiruvallur District, in the name of the fourth respondent.

3. It seems that the petitioner and the fourth respondent are making rival claim over the aforesaid property. It is seen that in the Civil Suits filed in O.S.Nos.658 of 1993 and 415 of 1995, the District Munsif, Tiruvallur, it has held that the fourth respondent is the absolute owner of the property. Based on the decree passed by the Civil Court, now patta has been issued in favour of the fourth respondent.

4. The learned counsel for the fourth respondent would submit that the decree passed by the Civil Court has attained its finality as, no appeal has been filed by the petitioner.

5. In the light of the above facts and the submissions made by the learned counsel on either side, I find no valid reason to set aside the order impugned in this writ petition. In that view, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-)

//True Copy//

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Sub Assistant Registrar

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To

1.The District Collector,
Tiruvallur District,
at Tiruvallur.

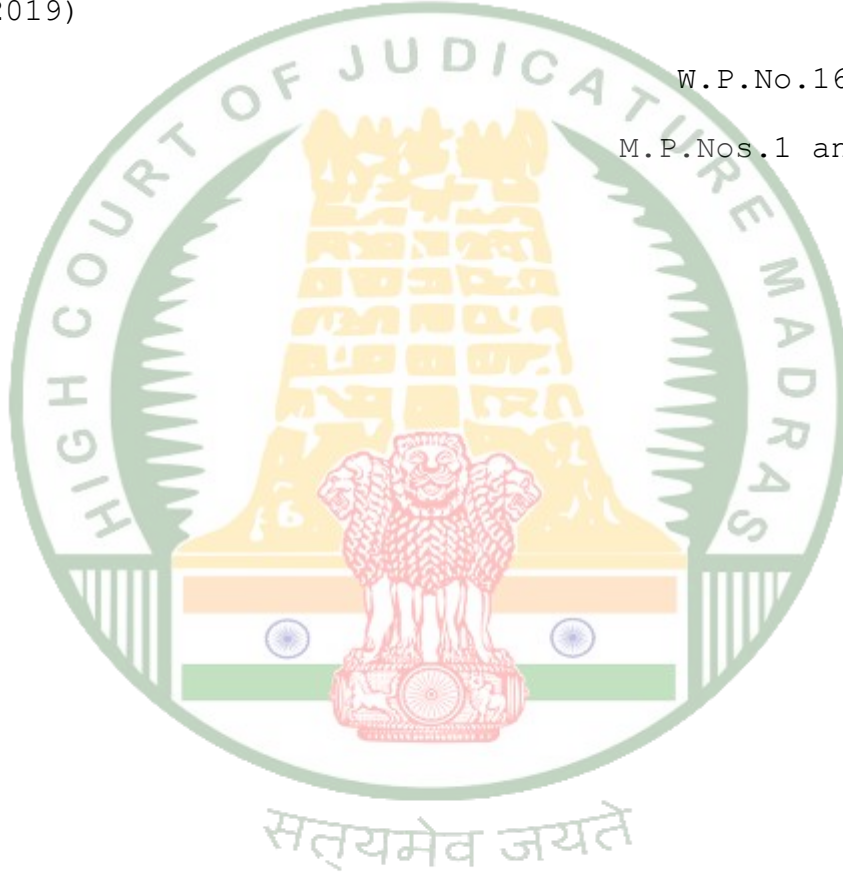
2.The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.

3.The Deputy Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.

+lcc to the Government Pleader, S.R.No.65950

SS(CO)
CB(16/09/2019)

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