

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.28769 of 2015

T.John Bosco

.. Petitioner

-vs-

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3.The Revenue Divisional Officer,
Kancheepuram Division,
Kancheepuram District,
Kancheepuram.

4.The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur Kancheepuram District,
Pincode-602 105.

5.P.Rex

6.Leema Rose

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider and pass orders on the representation dated 23.01.2012 of the petitioner in respect of the land in (1) Survey No.51/14 (Paimash No.99/3 & 99/4) 2.09 cent (2) Survey No.52/1 (Paimash No.99/3 & 99/4) 1.87 cent (3) Survey No.52/6 (Paimash No.100) 0.76 cent (4) Survey No.52/2 (Paimash No.100/2) 0.23 cent to an total extent of 4.95 cents out of which 3.62 cent at Podavore Village Sriperumbudur Taluk, Kancheepuram District.

For Petitioner::

Mr.S.Rajesh

For Respondents::

Mr.D.Raghu,
Government Advocate
for R1 to R4

Mr.P.E.R.mangala Swvigaran
for M/s.L.Maithili and Associates
for R5 and R6

ORDER

The writ petition has been filed seeking a direction to the respondents to consider and pass orders on the representation dated 23.01.2012 made by the petitioner.

2.Learned counsel appearing for the petitioner would submit that the petitioner's maternal grand father late Bashyam Jayanna has purchased some properties at Podavore Village, Sriperumbudur Taluk, Kancheepuram District from one Chinnammal and Rangaswamy Naidu. After the death of petitioner's grand father and grand mother, the petitioner's mother has been paying tax and taking care of the other civic amenities of the above said land till her death. After her demise, the petitioner came to know that totally 3.62 cents patta were wrongly reflected in the names of one Pannur Jogeyappa Naidu, Pannur Pappiah Naidu and the fifth respondent and in the year 2008, the fifth respondent illegally executed two Settlement Deeds vide Document Nos.17056 and 17057 of 2008 dated 02.12.2008 before the Sub Registrar, Sriperumbudur in favour of his wife, who is the sixth respondent herein. Therefore, the petitioner approached the Revenue Authorities requesting them to cancel the patta and issue patta in the name of Late Teres Ammal @ Lourd Ammal, but, the fifth respondent has been objecting for the same stating that the petitioner has no locus standi. Therefore, the petitioner has been advised to come to this Court.

3.Learned counsel appearing for respondents 5 and 6, by way of filing a counter affidavit, would submit that the petitioner's grand father had sold the property in the year 1923 and therefore, the petitioner has no document to support his claim of title to the said property. When the petitioner is not the owner of the property, he cannot come to this Court with uncleaned hands. According to the learned counsel appearing for respondents 5 and 6, respondents 5 and 6 are in possession and enjoyment of the land in question for the past 90 years and therefore, the petitioner cannot maintain the writ petition. Learned counsel appearing for respondents 5 and 6 has also produced Sale Deed dated 02.10.1923 along with Encumbrance Certificate.

4.This Court, considering the disputes with regard to the title and ownership in question, is not inclined to entertain the writ petition as the parties have to work out their remedy by approaching the competent Civil Court. Accordingly, the writ petition stands dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The District Revenue Officer,
Kancheepuram District,
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3.The Revenue Divisional Officer,
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4.The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur Kancheepuram District,
Pincode-602 105.

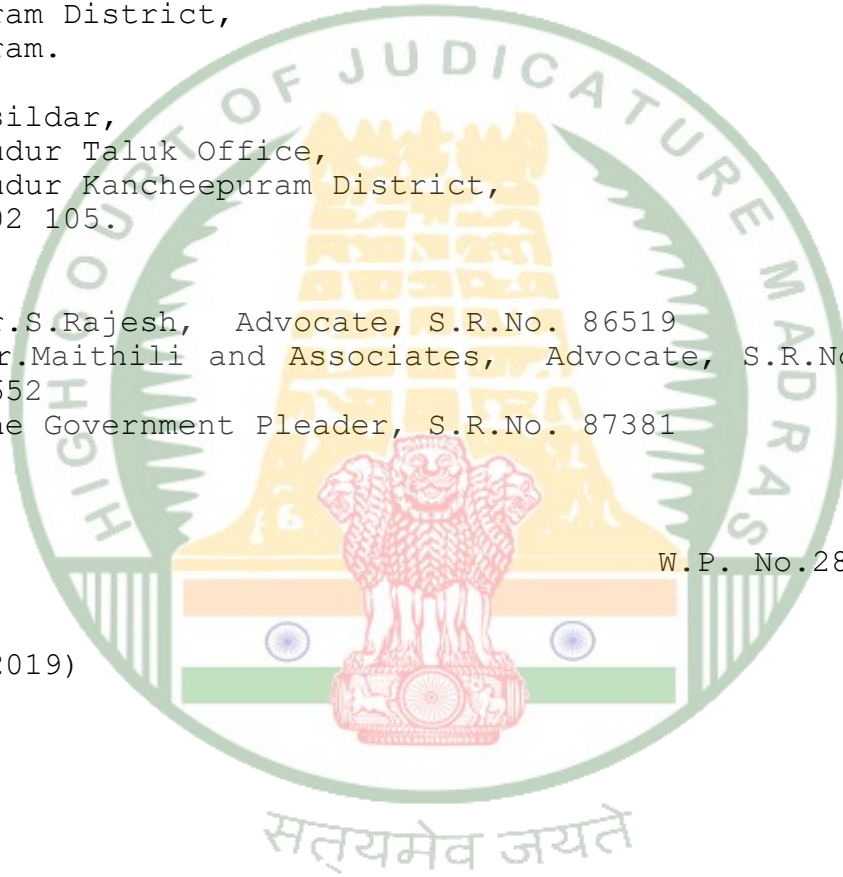
+1cc to Mr.S.Rajesh, Advocate, S.R.No. 86519

+6cc to Mr.Maithili and Associates, Advocate, S.R.No. 86949 &
86652

+1cc to the Government Pleader, S.R.No. 87381

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MP (CO)
GN(20/11/2019)



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