

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.12.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 30587 of 2019
and
W.M.P. No. 30645 of 2019

S. Gejaraj

... Petitioner

Vs.

1. The Collector
Vellore District
Vellore - 9.

2. The Revenue Divisional Officer
Ranipet
Vellore District.

3. The Thasildar
Arcot Taluk
Vellore District.

4. G. Nataraja Redd

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Third Respondent to cancel the Patta in favour of the Fourth Respondent towards the property comprising in Survey No. 384/3B, in Patta NO. 268 situated at Tamaraipakkam Village, Arcot Taluk, Vellore District based on the Petitioner's representation dated 23.04.2019.

For Petitioner : Mr. M. Rajendiran

For Respondents : Mr. J. Purushothaman (For R1 to R3)
Government Advocate
Mr. P. Mani for R4

O R D E R

Heard Mr. M. Rajendran, Learned Counsel for the Petitioner and Mr. J. Purushothaman, Learned Government Advocate appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of parties.

2. The Petitioner had made a representation dated 23.04.2019 to the Third Respondent for cancelling the patta in the name of the Fourth Respondent in respect of the property in Survey No. 384/3B, in Patta No. 268 situated at Tamaraipakkam Village,

Arcot Taluk, Vellore District. It is the complaint of the Petitioner that no action has been taken on the said representation and this Writ Petition has been filed seeking a direction to the Third Respondent to dispose the same.

3. The Third Respondent has filed status report and the Fourth Respondent has filed a Counter Affidavit contending that the Fourth Respondent has inherited the property from his ancestors and pursuant to the execution of registered partition deed dated 14.06.1976 between his brother and himself, he has been in continuous possession of that property from then onwards for which he has been issued patta by the Third Respondent. It is also brought to notice that the Petitioner had instituted suit in O.S. No. 76 of 2012 before the District Munsif-cum-Judicial Magistrate, Walajapet against the Fourth Respondent for declaration of his title and for permanent injunction and mandatory injunction for the same property which has been dismissed by judgment and decree dated 23.09.2014 and confirmed in Appeal in A.S. No. 9 of 2016 by judgment and decree dated 05.03.2018 by the Sub-Court, Ranipet.

4. Learned Counsel for the Petitioner is not in a position to state whether any Second Appeal has been preferred by the Petitioner against the aforesaid binding decision and Learned Counsel for the Fourth Respondent states that the Fourth Respondent has not been served with any notice in any Second Appeal filed by the Petitioner in the matter.

5. Having regard with the aforesaid submissions made, there does not appear any merit in the claim of the Petitioner seeking for cancellation of patta for the property in the name of the Fourth Respondent, when the Petitioner has not proved his title before the Jurisdictional Civil Court.

6. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar

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Sub Assistant Registrar

maya/vjt

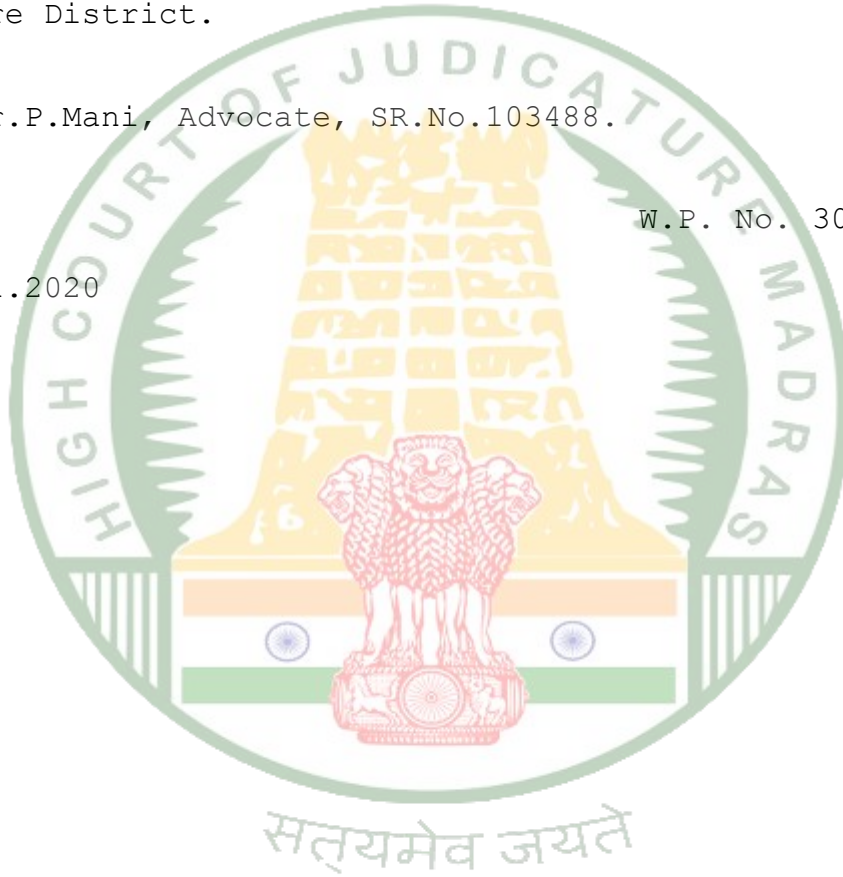
To

1. The Collector
Vellore District
Vellore - 9.
2. The Revenue Divisional Officer
Ranipet
Vellore District.
3. The Thasildar
Arcot Taluk
Vellore District.

+1cc to Mr.P.Mani, Advocate, SR.No.103488.

W.P. No. 30587 of 2019

GJ(CO)
CSR: 24.01.2020



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