

W.M.P.No.3541 of 2020
in
W.P.No.28248 of 2019

Dr.G.JAYACHANDRAN, J.

Based on the petition given by one Suresh S/o.Jaganathan, the Tahsildar, Sholinganallur enquired into the issue of patta in respect of 30 cents of land in Survey No.42/3A and 42/3B at Perumbakkam-Tambaram Taluk.

2. After enquiry, he found that the patta in the name of KVT Foundation was erroneously crept during the UDR scheme and therefore, cancelled the said patta and issued patta in the name of Tmt.Krishnaveni, Pushpa, Minnala and Ambika, who are the legal heirs of Late Damodharan. This order of the Tahsildar was challenged by the KVT Foundation before the Revenue Divisional Officer, Tambaram. The appeal of KVT Foundation was allowed on the ground that Tahsildar is not a competent authority to cancel the patta and it is the District Revenue Officer who is the competent authority to rectify error and grant fresh patta.

3. Aggrieved by the order passed by the Revenue Divisional Officer, Tambaram, Suresh the representative of the legal heirs of Damodharan preferred an appeal before the District Revenue Officer, Kanchipuram who in turn, allowed the appeal and restored the order of the Tahsildar granting patta in favour of the legal heirs of Damodharan. That order was subject matter of the writ petition No.27990 of 2018. Both the writ petitions W.P.No. 27990 of 2018 and W.P.No. 28248 of 2019 were heard together and common order passed on 03.10.2019. Meanwhile based on the order passed by the RDO, Tambaram, the layout plan granted in favour of Minnala w/o Dhamodaran was revoked by the Member Secretary CMDA and Commissioner, St.Thomas Mount Panchayat. That order was challenged in W.P.No. 28248 of 2019.

4. The writ petitioner in W.P.No.28248 of 2019 sought for a prayer that consequential to the cancellation of patta by the Revenue Divisional Officer, Tambaram, the planning permission granted by the CMDA and St.Thomas Mount Panchayat Union was cancelled without any notice and therefore, the said cancellation order should be quashed.

5. Taking note of the facts in both the writ petitions in the common order passed by this Court on 03.10.2019, this Court directed the District Collector, Kancheepuram to appoint any of the District Revenue Officer under him to consider the appeal preferred by KVT Foundation and dispose of the appeal within 10 weeks from the date of receipt of copy of this order. Soon after the order passed by this Court, Chengalpet revenue district got bifurcated into Kanchipuram and Chengalpet therefore, the District Collector, Kancheepuram could not acted upon the order of this Court.

6. Meanwhile, the petitioner in W.P.No.27990 of 2018 and the petitioner in W.P.No.28248 of 2019 has arrived at settlement and entered into compromise, wherein, the right of the petitioners in W.P.No.28248 of 2019 has been recognised by the KVT Homes and Estates Pvt. Ltd., whose appeal, this Court directed the DRO to enquire.

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7. In this above background, the writ petitioner in W.P.No.28248 of 2019 has taken out the present application for clarification, wherein, it is contended that to protect the interest of the individual buyers and to perfect

their title, KVT Homes and Estates Pvt.Ltd., who is disputing the title of the legal heirs of Damodharan has been paid a sum of Rs.1,16,00,000/- on 26.11.2019 and the said KVT Homes and Estates Pvt. Ltd. has relinquished his right to the subject property.

8. As a result, the order of the Tahsildar cancelling the patta stood in the name of KVT Foundation and restored in the name of legal heirs of Damodharan has to be reaffirmed and having regained the title, revocation of the planning approval granted by the CMDA and St.Thomas Panchayat Union has to be cancelled. KVT Homes and Estates Pvt. Ltd., on whose writ petitions the matter was remanded back to DRO, has filed an affidavit conceding the averments made by the petitioner in the affidavit filed for clarification.

9. In the given circumstances, due to bifurcation of the revenue district, the DRO, Kancheepuram is directed to transfer the appeal paper of KVT Homes and Estates Pvt. Ltd. to the DRO, Chengalpet, who is presently having jurisdiction over the territory after bifurcation of the

district. The appellant KVT Homes and Estates Pvt. Ltd. as well as the legal heirs of Damodharan shall appear before DRO, Chengalpet and file their compromise petition regarding the issuance of patta and title of the disputed land. On receipt of the said compromise memo, DRO, Chengalpet shall pass appropriate orders by restoring the patta in favour the legal heirs of Damodharan by confirming the proceedings of the Tahsildar, Tambaram. This process shall be completed within a period of 3 months from today.

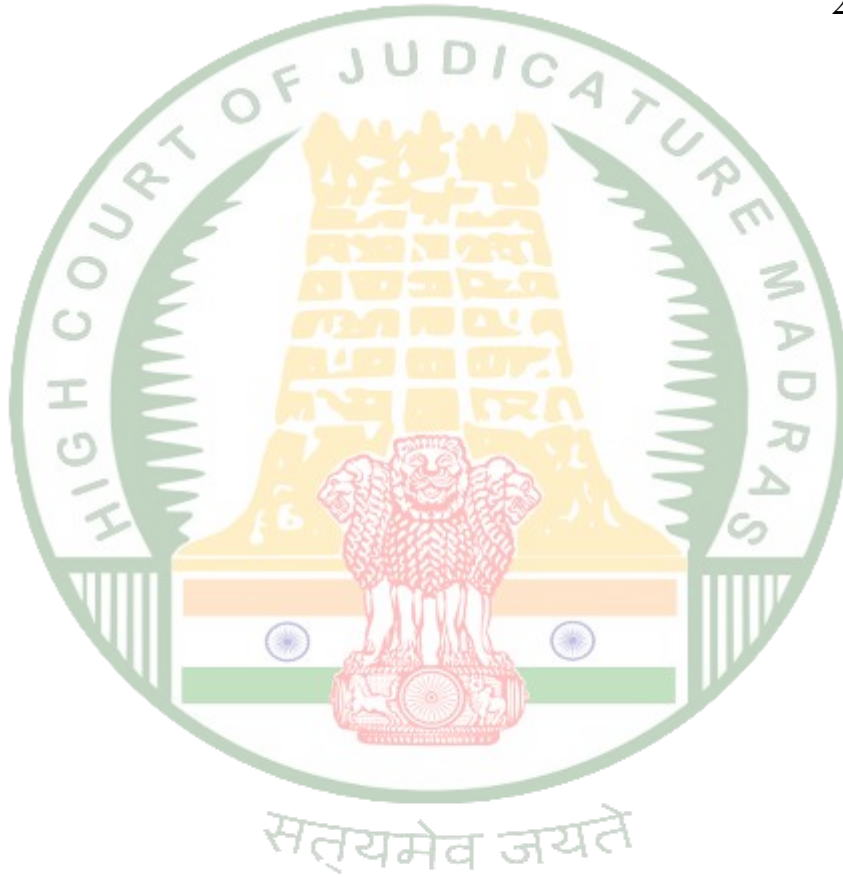
10. In the light of the above direction, the relief sought in W.P.No.28248 of 2019 to cancel revocation order passed by the 1st and 2nd respondents, has to be allowed subject to production of patta for the subject land by the petitioner in W.P.No.28248 of 2019.

11. The respondents 1 and 2 shall pass appropriate orders regarding the restoration of the planning permission within four weeks from the production of patta by the petitioner.

12. With the above direction, this miscellaneous petition is disposed
of.

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