

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16540 of 2020

K.Thangaraj

...Petitioner

.Vs.

1. The District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer/Sub Collector,
Thiruvallur District.
3. The Tahsildar,
Taluk Office,
Thiruvallur District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records from the second respondent pertaining to the impugned order under Ref.No.Na.Ka.No.303/2018/A5 dated 26.09.2019, quash the same and directing the second respondent to survey and measure the house site of the petitioner under UDR patta No.51 situated at Grama Natham survey No.138/7, No.42, Anna Street, 89, Perumalpattu Village, Thiruvallur Taluk & District, Pin-602 024 and for removal of the encroachments therein and in the public pathway in S.No.138/6.

For Petitioner : Mr.Christ Das

For Respondents: Mr.E.Balamurugan

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 26.09.2019 wherein the second respondent has directed the third respondent to issue patta in line with the decree passed in A.S.No.54 of 2007, on the file of the Sub Court, Tiruvallur.

2. Heard Mr.B.Christ Das, learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of respondents.

3. The case of the petitioner is that one Dilli Baskar and two others filed a suit against the father of the petitioner seeking for permanent injunction in O.S.No.505 of 1998. The suit was initially decreed and later it was reversed in A.S.No.71 of 1996. This was further confirmed by this Court in S.A.No.532 of 1998.

4. Pursuant to the above judgments and decrees, Dilli Baskar and two others filed a suit seeking for the relief of declaration of title and for a consequential direction to cancel the patta issued in favour of the petitioner and two others. The suit along with the connected suits came to be dismissed by judgment and decree dated 25.04.2007. The same came to be challenged by way of appeal and the appeals came to be allowed by judgment and decree dated 30.09.2013. It is seen from records that the decree of the appellate Court has become final. The successful parties namely Nagappan and two others filed an application seeking for patta in line with the decree passed in their favour in A.S.No.54 of 2007. This application was allowed by the second respondent through the impugned proceedings dated 26.09.2019 and a direction has been given to the third respondent to grant patta to the concerned parties in line with the decree passed by the competent Civil Court. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, this Writ Petition is liable to be dismissed on two grounds. The first ground is that admittedly, the order was passed in favour of Nagappan and two others. For reasons best known to the petitioner, these persons have not been added as parties in this writ petition and this writ petition suffers from the fatal defect of not impleading the necessary parties. That apart even on merits, the second respondent has merely directed the third respondent to issue patta in line with the judgment passed by the competent Civil Court. This Court does not find any illegality in the second respondent issuing such direction to the third respondent. This Court does not find any ground to interfere with the impugned proceedings of the second respondent.

6. In the result, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer/Sub Collector,
Thiruvallur District.
3. The Tahsildar,
Taluk Office, Thiruvallur District.

+1cc to the Government Pleader, S.R.No.38276

W.P.No.16540 of 2020

br (co)
rr ii (21/12/2020)



WEB COPY