

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16550 of 2020

V.Velayutham

... Petitioner

Vs.

- 1.The District Collector,
Chengalpattu. Respondents
- 2.The District Revenue Officer (RDO)
VOC Nagar,
Chengalpattu.
- 3.The Tahsildar,
No.1, Rajiv Gandhi Salai,
First Cross Street,
OMR Road, Sholinganallur,
Chennai-119.
- 4.The Village Administrative Officer
Ellaiyamman Nagar,
Okiam, Thuraipakkam,
Chennai-600 096.

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the second respondent to consider the representation dated 03.03.2020 and consequently, direct the 3rd respondent to conduct an enquiry in the issuance of patta No.46 dated 05.12.2018 within the time frame as directed by this Hon'ble Court and refrain the 3rd respondent from issuing patta in any other name with respect to S.No.343/A/1.

For Petitioner : Ms.Nathan and Associates

For Respondents : Mr.K.Parameswaran
Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 31.01.2020 for issuance of patta in favour of the petitioner with respect to the subject property.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. It is seen from records that one Govindammal seems to have executed an unregistered sale agreement dated 14.08.2012 in favour of the petitioner. The further case of the petitioner is that he has also paid an advance amount of Rs.3,00,000/- out of the total sale consideration of Rs.7,25,000/-.

4. The further case of the petitioner is that a suit was filed in O.S.No41 of 2017 on the file of the Sub Court, Tambaram, seeking for the relief of specific performance and an exparte decree was passed on 22.04.2019.

5. The further case of the petitioner is that a settlement deed came to be executed by one Ashok Kumar in favour of his wife Bhavani on 24.07.2019 with respect to the subject property and a patta has also been issued by relying upon the document, in patta No.46.

6. The grievance of the petitioner is that the above transaction had taken place inspite of a decree passed in favour of the petitioner and therefore, the petitioner had made a representation to the respondents to conduct an enquiry in this regard. Since the same was not considered, the present writ petition has been filed before this Court.

7. A careful perusal of the documents filed in this writ petition, does not reveal anything as to what happened subsequent to the ex-parte decree that was passed on 22.04.2019. The ex-parte decree specifically states that the petitioner should deposit the balance sale consideration within a period of one week and the concerned defendant will have to execute a sale deed within a period one month thereafter. The affidavit is completely silent as to whether this direction was complied with and whether the petitioner took any steps to execute the decree and get the sale deed executed in his favour.

8. In the considered view of this Court, the petitioner has to necessarily work out his remedy only before the Civil Court and the respondents cannot conduct an enquiry based on the representation made by the petitioner in this regard. This

writ etition requires a dismissal on yet another ground. The petitioner having made allegations against one Ashok Kumar and his wife Bhavani, has chosen not to add them as parties in this writ petition. Therefore, this writ petition is bad even on the ground of not adding the necessary parties in this writ petition.

9. In the result, this Court does not find any merit in this writ petition and accordingly, the same is dismissed. No costs.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

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To

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+1 C.C. to M/S.NATHAN AND ASSOCIATES Advocate SR.NO.37899

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CI (CO)

UM (14.12.2020)