



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.564 of 2021
and C.M.P.No.2331 of 2021

Villivakkam Velu ... Appellant
Vs.

1. Anitha

2. The District Collector,
Chennai.

3. The District Revenue Officer,
Singaravelar Maligai, Chennai - 01.

4. The Tahsildar,
Aminjikarai Taluk,
Chennai.

5. The Revenue Divisional Officer,
Anna Nagar,
Chennai

.. Respondents

Prayer : Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 18.12.2020 passed in W.P.No.19161 of 2020 and allow the above writ appeal.

Prayer in W.P.No.19161 of 2020: Writ Petition filed under section 226 of Constitution of India praying for issuance of writ of Mandamus Directing the 2nd respondent to cancel the patta which stood in the name of the 4th respondent and further restore the patta in the name of chetpet Purushotaman Naidu in patta No.176 wiht respect to survey No.155/1 Block No.34 survey filed no.4 Poonamallee High Road Koyambedu village Chennai measuring 27 cents.

For Appellant	:	Mr.S.Prabhakaran, Senior Counsel for Mr.S.Udhayakumar
For Respondent-1	:	Ms.R.Poornima
For Respondents-2 to 5	:	Mr.C.Jayaprakash Government Counsel



JUDGMENT

[Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.]

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The Writ Appeal is directed against the order passed by the learned Single Judge dated 18.12.2020 in W.P.No.19161 of 2020, which was filed by the first respondent herein seeking for a direction to the third respondent herein to cancel the patta, which stood in the name of the appellant herein and restore the patta in the name of one Purushotaman Naidu in patta No.176 with respect to Survey No.155/1, Block No.34, Survey Field No.4, Poonamallee High Road, Koyambedu Village, Chennai, measuring an extent of 27 cents.

2. It appears that there are rival claims between the parties. The appellant was shown as the fourth respondent in the writ petition. However, the said Writ Petition was disposed of at the stage of admission itself, even without issuing notice.

3. The learned counsel for the appellant now pointed out that, even as early as on 27.07.2019, vide proceedings in Na.Ka.No.2019/153/02/004132, the Tahsildar, Aminjikarai Taluk, Chennai, the fourth respondent herein, had passed an order on the application made by the writ petitioner seeking for patta, stating that, since O.S.No.5715 of 2014 filed by her is pending before the Civil Court, patta cannot be granted before finality is reached in the civil suit.

4. In the meanwhile, the appellant herein has settled the property in favour of his son one V.Nagarajan. He had also produced the patta passbook in favour of the appellant issued in the year 1977. Today, the Tahsildar, Aminjikarai Taluk Office, Chennai has filed his counter affidavit stating that the suit filed by the writ petitioner in O.S.No.5715 of 2014 is pending before the III Assistant Judge, City Civil Court, Chennai. Besides, the appellant's son also has filed another suit in O.S.No.3639 of 2020 and the same is also pending. Till such time, both the suits are tried and brought to a logical conclusion, deciding the title of the parties, patta cannot be issued or even enquiry in this regard cannot be proceeded with. Therefore, it is open to the parties to go before the appropriate authorities, after the suits are disposed of.



5. With the above observations, the Writ Appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

srn

To

1. The District Collector,
Chennai.
2. The District Revenue Officer,
Singaravelar Maligai, Chennai - 01.
3. The Tahsildar,
Aminjikarai Taluk,
Chennai.
4. The Revenue Divisional Officer,
Anna Nagar,
Chennai

+1CC to M/s.S.Udhaya Kumar, Advocate, SR.No. 46442
+1CC to The Government Pleader, SR.No. 46856

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RR(CO)
B.VC (06/10/2021)