



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.6932 OF 2009

AND

M.P.NO.1 OF 2009

- 1.P.Sundarshan
- 2.P.Sugunasekar
- 3.M.Kanakadurga
- 4.P.Suryanarayana
- 5.P.Sundareshwar

... Petitioners

.vs.

1. The District Collector,
Chennai District.
2. The District Revenue Officer,
Chennai Collectorate,
Chennai - 1.
3. The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai - 28.
4. G.Dhanam
5. H.Kailasam
6. Lilakumari
7. Mary
8. Lavaniya
9. Krishnakumar
- 10.Raj Kumar
- 11.Jothi Mohan



12.C.Chinnaponnu

13.N.Murugaesan

14.W.Manokar

15.K.Murugan

16.V.Dhakchina Murthy

17.N.Mohan

18.P.Ranganathan

19.R.Sumathi

20.R.Devarajan

21.A.Ganesan

22.Daisy @ Jayashree

23.G.S.Anandan

24.G.Jaganathan

25.G.Kanthan Rao

26.E.Gugan

27.Ganesan

28.V.R.Sammantham

29.Ranjith Kumar

30.R.Gomathi

... Respondents

(R4 to R30 impleaded as per order dated 10.06.2009
in M.P.No.2 of 2009 in W.P.No.6932 of 2009 by AKJ)

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.O2/37891/07 dated 22.10.2008 passed by the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to consider the petitioner's ownership title and pass appropriate orders on the representations dated



WEB COPY

17.12.2007 and 19.05.2008.

For Petitioners : Mr.B.Gopalakrishnan

For R1 to R3 : Mr.M.R.Gokul Krishnan
Government Advocate

For R4 to R9, R12 to R18,
R20 to R22, R24 to R26,
R28 to R30 : Mr.Hari Radhakrishnan

R10, R11 and R19 & R27
(Disd. vide order dated
24.02.2011)

R23 - Notice Served

O R D E R

This writ petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.02/37891/07 dated 22.10.2008 passed by the second respondent herein and quash the same and consequently, direct the second respondent to consider the petitioner's ownership title and pass appropriate orders on the representations dated 17.12.2007 and 19.05.2008.

2. The case of the petitioners is that they are claiming ownership of the landed property situated at Old No.181 and New No.116, Urur Village comprised in Old Survey No.78, New T.S.No.65/1, Block No.25, Besant Nagar, Chennai, measuring to an extent of 1.32 acres, as that they have inherited from their Grandfather. However, during the year 2003, the petitioners left the property and gone to Secundrabad. Thereafter, they visited the subject land and found that some of the third parties have encroached the said property and obtained patta. They also lodged complaint as against them to remove the encroachments and filed writ petitions in W.P.Nos. 36475, 36476 and 36478 of 2007 before this Court. However, all the writ petitions were dismissed and advised them to file a suit.

3. Accordingly, they filed suit in C.S.No.633 of 2010 and the same is pending for the following reliefs:-

- "a) to direct the Defendants Nos.1 to 99 to remove the illegal constructions put up by them at Old No.181, New No.116, Urur Village (Oorur Village), Adyar, Chennai - 600 020, measuring to an extent of 1.32 acres, comprised in Old Survey No.78 and new Town Survey No.65/1, Block No.25, more fully described in



WEB COPY

- the schedule property and to handover vacant possession to the plaintiffs;
- b) to declare the registered sale deed dated 07.06.2007 bearing document No.1128/2007 executed by the 59th Defendant in favour of 60th Defendant and the registered sale deed dated 12.07.2007 bearing document No.1341/2007 executed by the 21st and 22nd Defendant in favour of 23rd defendant as null and void;
 - c) to restrain the Defendants Nos. 1 to 99 from alienating or otherwise encumbering the suit schedule properties to any third party or parties comprised in Survey No.65/1 and Town Survey No.78 of Urur Village, Adyar, Chennai - 600 020;
 - d) to direct the Defendant No.101 herein to disconnect the electricity connections supplied to the Defendants Nos.1 to 99 to their illegal structures constructed over the land belonging to the Plaintiffs;
 - e) to direct the Defendant No.102 herein to disconnect the water and drainage connections supplied to the Defendants No.1 to 99 to their illegal structures constructed over the land belonging to the Plaintiffs;
 - f) to direct the Defendant No.100 to cancel the assessment made in respect of property tax in favour of defendants Nos. 27, 30, 32, 33, 35, 49, 50, 51, 52, 53, 58, 59, 60, 62, 71, 72, 73, 82 and 92 for their illegal constructions over the suit property belonging to the plaintiffs;
 - g) to restrain the defendant No.100 from collecting the property tax and other taxes from the defendants Nos.1 to 99 for their illegal constructions over the suit property belonging to the plaintiffs;
 - h) to direct the defendants 103 and 104 to cancel the patta illegally issued in favour of defendants Nos. 1 to 5, 9, 20, 21, 22, 25, 27, 29, 32, 33, 44, 48 to 53, 57, 61, 62, 71 to 74, 80, 81 to 83, 88, 89, 92, 95 to 97 for the land belonging to the Plaintiffs; and
 - i) to direct the defendants to pay the cost of the suit."

4. In the meanwhile, they also filed a representation before the second respondent to cancel the patta issued in favour of third parties in respect of the subject land. However, the same was rejected by order impugned in this writ petition dated 22.12.2008 for the reason that they were issued patta after verification of the revenue records and also as per the Board Standing Order No.31(7).



5. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition deserves to be dismissed. Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to approach the authority concerned, if they succeeded in the suit in the manner known to law. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Chennai District.
2. The District Revenue Officer,
Chennai Collectorate,
Chennai - 1.
3. The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai - 28.

+1cc to the Government Pleader, S.R.No.52002

W.P.No.6932 of 2009

JP II (CO)
PM/26/11/2021