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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

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THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 2792 of 2020

and

WMP.No.3234 of 2020

M. Guruswamy Pandian ... Petitioner

Vs

1. The District Revenue Officer cum
Additional District Executive Magistrate,
Kancheepuram Collector Office,
Kancheepuram.

2. The Tahsildar,
Tambaram Taluk,
Chengalpet District.

3. B. Natarajan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating tot he proceedings dated 19.11.2019 in Na.Ka.12233/2019/N-3 of the 1st respondent and quash the same and consequently direct the respondents 1 and 2 to transfer patta in the name of the petitioner in respect of the property in S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kancheepuram District.

For petitioner ... Mr. AL.Ganthimathi

For respondents ... Mr. Yogesh Kannadasan,
Government Advocate
for R1 & R2

... Mr. I. Abrar MD Abdullah -R3

ORDER

Challenging the order passed by the first respondent rejecting the petitioner's application to grant patta, the present writ petition has been filed.



2. According to the petitioner, he is in possession and enjoyment of the land in Survey No.8/1, Vengaivasal Village, Tambaram Taluk. The petitioner has made a representation before the first respondent to grant patta in his favour and the same has been rejected on the ground that there is a rival claim made by the 3rd respondent herein and a civil suit is also pending between them in O.S.No.180 of 2018 on the file of the District Munsif, Tambaram and unless, the title dispute is decided between the parties, the application for grant of patta cannot be considered. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that civil suit was transferred to the District Munsif Court, Alandur and renumbered as O.S.No.31 of 2020 and now the matter has been settled between the petitioner and the 3rd respondent and the 3rd respondent has also withdrawn the suit.

4. The learned counsel for the 3rd respondent would submit that the matter has been settled and he has also withdrawn the suit and he has no objection for granting patta in favour of the petitioner and filed an affidavit to that effect. The relevant portion of the affidavit reads as follows:

"I state that I have filed a suit in O.S.No.31 of 2020 on the file of the Principal District Munsif Court, Alandur, seeking for a relief of injunction restraining the petitioner from interfering with the property situated in S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kancheepuram District, measuring about 50 cents. I state that we both have amicably settled our dispute and I have also withdrawn the suit. Hence, I have no objection in issuing the patta in the name of the petitioner.

Hence, it is therefore prayed that this Hon'ble Court may be pleased to allow the writ petition and direct the 1st and 2nd respondent to issue patta for the property situate at S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kancheepuram District measuring about 50 cents in the name of the petitioner and pass appropriate orders as this Hon'ble Court deems fit and proper and thus render justice"

5. The petitioner's application has been rejected only on the ground that civil dispute is pending between the parties and now the said suit is withdrawn by the 3rd respondent. That apart, the 3rd respondent has also given no objection for granting of patta in favour of the petitioner.



6. considering the above facts and circumstances of the case, the impugned order passed by the first respondent is set aside and the petitioner is directed to approach the 2nd respondent/Tahsildar with an application for granting patta within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the 2nd respondent/Tahsildar, is directed to consider the same and grant patta in favour of the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequentially, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The District Revenue Officer cum
Additional District Executive Magistrate,
Kancheepuram Collector Office,
Kancheepuram.
2. The Tahsildar,
Tambaram Taluk,
Chengalpet District.

+1cc to M/s.A.L.Ganthimathi, Advocate Sr.34472
+1cc to M/s.A.Selvendran, Advocate Sr.34602
+1cc to the Government pleader Sr.35011

W.P. No. 2792 of 2020

vsn II[co]
srg 10/08/2021