

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.9719 of 2010
and
M.P.No.1 of 2010

Sathyavathy
W/o.Kondalu Ram

... Petitioner

Vs.

1.The Principal Secretary and Commissioner
of land Administration, Chepauk,
Madras-5.

2.The District Revenue Officer,
Chennai.

3.The Tashildar,
Mylapore,
Triplicane Taluk,

4.C.Anantha Raman

5.Chennai Metropolitan and Development Authority,
Egmore, Chennai.

... Respondents

(R5-Suomotu Impleaded as per order dated 19.10.2011 by NKKJ in
W.P.No.9719 of 2010)

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in proceedings D.Dis.K4/7999/09 and dated 31.03.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the third respondent to restore the patta in the name of the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.M.Elumalai
For R1 to R3
Mr.Selvendran for R4
Mr.R.Gopinath for R5 (S.C)

ORDER

The writ petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned order of the first respondent in proceedings D.Dis.K4/7999/09 dated 31.03.2010 and further direct the third respondent to restore the patta in the name of the petitioner.

2.Brief facts which are necessary for disposal of the writ petition are as follows:-

The case of the petitioner is that the revenue patta was issued to her for an extent of 4 grounds and 133 sq.ft based on the revenue records. It is stated that a little property which stands in the name of the petitioner was acquired for laying the inner ring road. It is also admitted by the petitioner that he sold a portion of the property measuring 1674 square feet in survey No.1/69 in favour of the fourth respondent. The remaining extent of 4 grounds and 133 square feet was retained by the petitioner. The petitioner has now filed the writ petition challenging the impugned order of District Revenue Officer holding that the petitioner is not entitled to patta to the land.

3.The learned counsel for the petitioner submitted that the impugned order came to be passed without considering the right and title.

4.The learned counsel appearing for the fourth respondent produced a copy of the judgment and decree passed by the Additional Judge, City Civil Court, Chennai dated 29.11.2019 in O.S.No.10035 of 2010, before this Court. It is an admitted fact that the suit in O.S.No.10035 of 2010 has been filed by the fourth respondent against the petitioner and others. While decreeing said suit, the Civil Court has held that the petitioner and the other defendants have not established their tittle or enjoyment.

5.Reading of the judgment shows that the Civil Court has specifically framed the issues relating to ownership or tittle of the property. The Civil Court granted decree in favour of fourth respondent. The learned counsel appearing for the petitioner states that an appeal has been filed by the writ petitioner and others as against the judgment and decree passed in O.S.No.10035 of 2020 and the same is pending. He further states that the appeal is yet to be numbered.

6.This Court is unable to find any justification to grant any relief in the writ petition. The appeal alleged to have been filed is yet to be numbered. This Court is unable to find any merits in this writ petition. It is open to the petitioner to

establish her title and possession of the property before the appellate Court.

7. Accordingly, the writ petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

tta

Copy to

- 1.The Principal Secretary and Commissioner
of land Administration, Chepauk,
Madras-5.
- 2.The District Revenue Officer,
Chennai.
- 3.The Tashildar,
Mylapore,
Triplicane Taluk,
- 4.The Chennai Metropolitan and Development Authority,
Egmore, Chennai.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.7260
+3cc to Mr.D.Hariprasad, Advocate, S.R.No.7309
+1cc to the Government Pleader, S.R.No.7500

W.P.No.9719 of 2010

GP(CO)
CB(17/04/2021)

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