



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22053 of 2013
and
M.P.Nos.1 and 2 of 2013

R.Shanthi

... Petitioner

Vs.

1. The District Revenue Officer,
Tiruvallur.

2. The Revenue Divisional Officer,
Ponneri.

3. The Tahsildar,
Ponneri.

4. Suresh Babu (deceased)

5. Malarvizhi

6. D.Chithra

[R-5 and R-6 substituted as LR's of the deceased R-4
vide order dated 24.09.2021 made in WMP.No.2935/2020
in W.P.No.22053/2013]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the proceedings of the first respondent in Na.Ka.No.22279/2012/A3 dated 03.07.2013, confirming the proceedings of the second respondent in Na.Ka.No.4090/2010/A2 dated 10.12.2010 and quash the same.

For Petitioner : Mr.P.V.Muralidhar

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate (for R-1 to R-3)

: R-4 (Died)

: Mr.V.Chokalingam (for R-5 & R-6)

O R D E R

This writ petition is filed to issue a writ of Certiorari, calling for the proceedings of the first respondent in Na.Ka.No.22279/2012/A3 dated 03.07.2013, confirming the



proceedings of the second respondent in Na.Ka.No.4090/2010/A2 dated 10.12.2010 and quash the same.

2. The case of the petitioner is that in respect of the properties comprised in S.No.190/2 to an extent of 0.37 cents and in S.No.190/3 to an extent of 0.36 cents situated at Chinnampedu Village, Ponneri Taluk, patta was transferred in favour of her husband. Subsequently, it was cancelled by the second respondent on the application filed by the fourth respondent herein. The fourth respondent had died and his legal heirs have been brought on record as the fifth and sixth respondents herein. In the meanwhile, the petitioner and others filed a suit challenging the mortgage deed executed by the fourth respondent in favour one V.P.Dhanasekaran and also for permanent injunction restraining the fourth respondent from alienating the subject property. However, the said suit was dismissed by the judgment and decree dated 26.04.2013 for the reason that the petitioner failed to seek the prayer of declaration. Aggrieved by the same, the petitioner also filed an appeal suit in A.S.No.31 of 2013 and the same was dismissed on 27.09.2019 by the Subordinate Judge, Ponneri. Now, the petitioner is awaiting for certified copies of that judgment and decree to prefer an second appeal before this Court.

3. The counter affidavit filed by the deceased fourth respondent filed reveals that the Civil Court concluded that the possession and enjoyment of the property with the petitioner. As against the order passed by the second respondent, the petitioner filed an appeal as contemplated under Section 13 of the Patta Pass Book Act before the first respondent. The same was also dismissed and the order passed by the second respondent herein was confirmed. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent.

4. Accordingly, this Writ Petition is dismissed. However, the petitioner is now preferring second appeal before this Court as against the judgment and decree passed in A.S.No.31 of 2013. Therefore, subject to the result of the second appeal, the petitioner can very well approach the third respondent for issuance of patta for the subject land. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Tiruvallur.
2. The Revenue Divisional Officer,
Ponneri.
3. The Tahsildar,
Ponneri.

+1CC to Mr.V.Chokalingam, Advocate, SR.No. 49594

+1CC to The Government Pleader, SR.No. 49747

W.P.No.22053 of 2013

PCH(CO)

B.VC (29/10/2021)