

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 6165 of 2011
and M.P. No.1 of 2011

1.A.Durairaj
2.D.Poonkothai

.. Petitioners

Vs

1.The District Revenue Officer,
District Collector Office,
Chennai - 600 001.
2.The Tahsildar,
Egmore - Nungambakkam Taluk Office,
Egmore, Chennai - 600 008.

3.N.Umamaheswari
4.S.Mary Elizabeth
5.S.Mary Pokisam
6.S.Mary Violet
7.S.Alexander
8.R.Peter
9.R.Francis
10.R.Latha
11.R.James William

.. Respondents

(Respondents 4 to 11 are impleaded vide order of this Court dated 25.01.2021 in WMP. No.2 of 2011 in W.P. No.6165 of 2011)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order in proceedings 03/9256/2009 dated 03.08.2010 passed by the first respondent and quash the same.

For Petitioner : No Appearance

For Respondents 1-2: Mrs. A.Madhumathi
Special Government Pleader

3 : Mr. S.Gajendraraj

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorari calling for the records pertaining to the impugned order in proceedings 03/9256/2009 dated 03.08.2010, passed by the first respondent and quash the same.

2. Learned counsel appearing for the third respondent submitted that the Writ Petitioners obtained patta behind the back of third respondent even though the third respondent is the absolute owner of the property. Since the petitioner has encroached and claimed title, it is submitted by the learned counsel for the third respondent that two suits came to be filed in O.S. Nos.2130 and 3778 of 2011, before the learned Assistant Judge, Civil Court, Chennai and the suits were disposed in favour of the third respondent upholding the title of the third respondent. According to the learned counsel appearing for the third respondent, the petitioners have no right to claim patta in respect of the suit property particularly having regard to Section 14 of Tamil Nadu Patta Pass Book Act, 1983. However, learned counsel for the petitioner did not appear today even though, the matter is posted under the caption "For dismissal". Hence this Court has no other option but to dismiss this Writ Petition for non-prosecution.

3. Accordingly, the Writ Petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed. As regards the claim of the impleading petitioners, it is open to the petitioners to establish their right and the dismissal of this Writ Petition will not preclude them from establishing their independent right.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn
To

1.The District Revenue Officer,
District Collector Office,
Chennai - 600 001.

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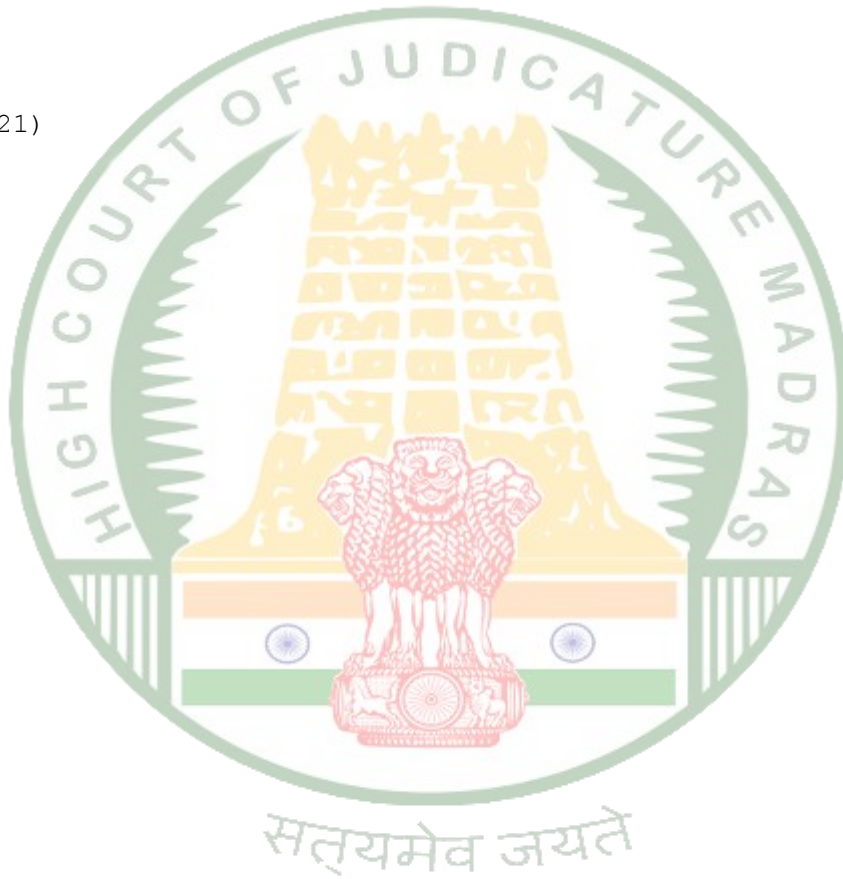
2.The Tahsildar,
Egmore - Nungambakkam Taluk Office,
Egmore, Chennai - 600 008.

+1 CC to The Government Pleader sr 4332.

W.P. No. 6165 of 2011

VGII (CO)

SP (04/03/2021)



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