



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. Nos. 7533, 7534 & 18 of 2018

W.P. Nos. 7533 of 2018

R.Mukund

.. Petitioner

Vs

1.The Collector,  
Singara Velan Maligai,  
Chennai - 600 001.

2.The Tahsildar,  
Ayanavaram Taluk,  
Ayanavaram,  
Chennai - 600 023.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent to issue Patta forthwith to the petitioner property bearing Plot No.B-19, Block No.36 T.S.No.9, O.S .No.274, Peravallur Village Purasawalkam-Perambur Taluk within the limit of Chennai Corporation bearing Door No.33/23, Seventy Feet Road, Jawahar Nagar, Chennai-82 in the light of the partial Modification in G.O.Ms. No.2083 vide Government Memorandum 57051-82/ 66.4 dated 28.10.1966 of Revenue (A2) Department.

W.P. Nos. 7534 of 2018

S.Venkataraman

.. Petitioner

Vs

1.The Collector,  
Singara Velan Maligai,  
Chennai - 600 001.

2.The Tahsildar,  
Ayanavaram Taluk,  
Ayanavaram, Chennai - 600 023.

.. Respondents



Prayer in W.P. No.7534 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent to issue Patta forthwith to the petitioner property bearing Plot No.B-20, Block No.36 T.S.No.10, O.S .No.274, Peravallur Village Purasawalkam-Perambur Taluk within the limit of Chennai Corporation bearing Door No.35/24, Seventy Feet Road, Jawahar Nagar, Chennai-82 in the light of the partial Modification in G.O.Ms. No.2083 vide Government Memorandum 57051-82/ 66.4 dated 28.10.1966 of Revenue (A2) Department.

W.P. Nos. 18 of 2018

R.Venkatachalam

Vs

.. Petitioner

1.The Collector,  
Singara Velan Maligai,  
Chennai - 600 001.

2.The Tahsildar,  
Ayanavaram Taluk,  
Ayanavaram,  
Chennai - 600 023.

3.The Perambur Co-operative Building Society Limited,  
Rep. by its Secretary,  
Door No.22, First Circular Road,  
Jawahar Nagar,  
Chennai - 600 082.

.. Respondents

(R3 implead as per court order dated 11/10/2018 in  
WP.MP.NO.30905/18)

Prayer in W.P. No.18 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Ceriorarified Mandamus to call for the records of the second respondent dated 30.04.2015 in O.Mu.Pa.Ma.No.A2/2586/2014 and to quash the same as illegal and to direct the second respondent to issue patta forthwith to the petitioner's property situated at Door No.22/1, 2<sup>nd</sup> Circular Road, Jawahar Nagar, Chennai - 600 082 comprised in T.S. No.79 (Part) of Block No.36 of Peravallur Village, Pursawalkam - Permabur Taluk, Within the limit of Chennai Corporation.

For Petitioner

: Mr. S.Thiruvengadam

( in all W.P's.)

For Respondents

: Mrs. A.Madhumathi

( in all W.P's.)1&2

Special Government Pleader



## C O M M O N      O R D E R

W.P. Nos. 18 of 2018

This writ petition is filed for issuing a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 30.04.2015 in O.Mu.Pa.Ma.No.A2/2586/2014 and to quash the same as illegal and to direct the second respondent to issue patta forthwith to the petitioner's property situated at Door No.22/1, 2<sup>nd</sup> Circular Road, Jawahar Nagar, Chennai - 600 082 comprised in T.S. No.79 (Part) of Block No.36 of Peravallur Village, Pursawalkam - Permabur Taluk, Within the limit of Chennai Corporation.

2. Brief facts that are set out in the affidavit filed in support of this writ petition are as follows:

The petitioner states that he is the absolute owner of the northern portion of the property bearing No.22/1, 2<sup>nd</sup> circular road, Jawahar Nagar, Chennai-82, comprised in No.79 (Part) of Block No.36 of Peravallur Village, Pursawalkam - Permabur Taluk, Within the limit of Chennai Corporation. The extent of land is about 971 Sq.ft. and the petitioner states that he has put up a construction over the area of 490 Sq.ft. The petitioner purchased the property by way of a sale deed dated 18.08.1989. It is stated that earlier the Government of Tamil Nadu acquired certain lands and allotted the same in favour of Perambur Cooperative Building Society Limited. The said Society formed a layout after getting approval from the Director of Town and Country planning in the year 1965. The petitioner purchased the property after the layout was developed and sold in favour of several persons. It is the case of the petitioner that the Society originally sold the plot bearing No.180 in Clause 'C' measuring an extent of 2275 Sq.ft. in Peralur Village, Jawahar Nagar, to one D.Madhavan by sale deed dated 07.06.1968. The said Madhavan, after putting up a construction sold the property to one Mr.Vijayarangan, by a subsequent sale deed dated 20.11.1979. Thereafter, the said Vijayarangan executed a sale deed in respect of a portion of the property in favour of the petitioner by a sale deed dated 18.08.1989. The petitioner states that he had put up some construction after getting planning permission over the property purchased by him. When the petitioner approached the Officials for getting patta for the house site that was purchased by him in the year 1989, the Tahsildar did not entertain the application of petitioner on the ground that the property is in poromboke land. Hence the petitioner filed the present writ petition.

3. The simple case that is pleaded before this Court by the petitioner is that the petitioner purchased the property which is a plot in a well developed layout. The petitioner is entitled to patta if he purchased the property from the original owner. It is the specific case of the petitioner that the property was



originally assigned to the said society which formed the layout. After several decades, it is surprising to note that the respondents have rejected the application for patta on the ground that the property is classified as poromboke. An additional counter affidavit is filed by the second respondent. This Court is unable to find any basis from the counter affidavit filed by the second respondent. In the additional counter affidavit filed by the second respondent, it is stated that the prior proceedings relied upon by the petitioner is not available on record. However, it is stated that as per revenue records, the land was classified as Sarkar Poromboke. The society formed a layout long back and the layout was approved. When the plots of the layout were sold out on the basis of approval granted by the statutory authorities, the respondents have no reason to believe that they are in possession of the property despite the plots were sold by the promoters of the layout namely the society in the name of several others. There were subsequent alienations one after another.

4. It is the case of the petitioner that the property was originally assigned in favour of the society by the Government and that therefore, the Government cannot now render the assignment invalid by stating that the land was classified as Sarkar Poromboke. Having regard to the admitted facts, this Court find some force in the argument of the learned counsel for the petitioner. It is seen that the petitioner has purchased the property as a house site from the person on the basis of a sale deed obtained from the Society. After this length of time, the possession and enjoyment of the petitioner as claimed by them cannot be disbelieved when no material is produced by the respondents with regard to cancellation of assignment or about any error or mistake in identify of property. As pointed out earlier, the land though was classified as poromboke, the classification cannot remain the same after assignment. It is not the case of respondent that the plot purchased by petitioner is not part of the lands assigned to Society.

5. From the pleadings and documents filed on either side, this Court is fully convinced that the respondent cannot refuse to grant patta ignoring the previous assignment and transfer of interest in favour of the society under whom the petitioner claims right. Hence this writ petition is allowed and the order of second respondent dated 30.04.2015 in O.Mu.Pa.Ma.No.A2/2586/2014 is set aside. No costs. The Tahsildar is directed to issue patta forthwith to petitioners for the property mentioned in the petition.

W.P. Nos.7533 and 7534 of 2018

The petitioners in W.P. Nos.7533 and 7534 of 2018 are also the persons who are claiming patta. The facts are identical and



similar to the facts that was dealt in W.P. No.18 of 2018. The same property in same layout which was conveyed / assigned in favour of the society is now sought to be interfered with on the basis of classification which has no relevance after the land was assigned in favour of the petitioner. The petitioners have produced before this Court the proceedings of Tahsildar granting patta to another plot owner in the same layout. The respondents have filed additional counter affidavit stating that the order of Tahsildar is not available in their records. When substantial records are produced by petitioners, no piece of paper is produced by respondents to discredit the statements of petitioners.

As a result, these writ petitions are also allowed as the petitioners in these writ petitions are also entitled to the same benefit. The second respondent is directed to issue patta forthwith to the petitioners in respect of their property as referred to in the petition. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Collector,  
Singara Velan Maligai,  
Chennai - 600 001.

2.The Tahsildar,  
Ayanavaram Taluk,  
Ayanavaram,  
Chennai - 600 023.

+3cc to Mr.S.Thiruvengadam, Advocate, S.R.No.20886,20885 & 20884  
+1cc to the Government Pleader, S.R.No.21034

W.P. Nos. 7533, 7534 & 18 of 2018

PL(CO)  
CB(16/07/2021)