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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.27401 OF 2015

AND

M.P.NOS. 1 AND 2 OF 2015

B.Shyamala

.... Petitioner

Vs

1. The Tahsildar,
Tituttani, Tiruvallur District.

2. Rajendran

3. Hamsa @ Amsa

.... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the proceeding in TR/034/03273/40495 of 2015 on the file of the first respondent; quash the sub-divided individual patta Nos.3272 & 3273 issued pertaining to the schedule property as null and void and consequentially restrain the first respondent from further transferring the patta in the name of the third respondent.

For Petitioner :	Mr.R.Udayakumar
For R1 :	Mr.M.R.Gokul Krishnan, Government Advocate
For R2 & R3 :	Mr. A. Gowthaman

ORDER

This Writ Petition has been filed for issuance of writ of certiorarified mandamus, calling for the records of the proceeding in TR/034/03273/40495 of 2015 on the file of the first respondent; quash the sub-divided individual patta Nos.3272 & 3273 issued pertaining to the schedule property as null and void and consequentially restrain the first respondent from further transferring the patta in the name of the third respondent.



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2. Heard, Mr.R.Udayakumar, the learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the first respondent and Mr. A. Gowthaman, learned counsel appearing for the second and third respondents.

3. The case of the petitioner is that the land comprised in survey No.157/3 situated at Mamandoor Village, Tiruttani Taluk, Tiruvallur District admeasuring 1 ares 52 cents belonged to one Raniammal, Munusamy, Neelammal, Govindammal and Ellammal. They were issued joint patta in Patta No.595 covering to an extent of 3 acres 76 cents. The second respondent parents are also joint pattadors in Patta No.595. They have purchased the property to an extent of 1 acre 46 cents through three different registered sale deeds, which were registered as Document Nos.69 of 1987, 1426 of 1998 and 90 of 1999 on the file of the Sub-Registrar, Tiruttani. They executed a settlement deed in favour of the second respondent on 23.08.2010 vide document No.4892 of 2010.

4. According to the petitioner, his parents have no title to settle the subject property in favour of the second respondent. On the other hand, the petitioner claimed that the subject property was owned by his grandfather and grandmother and they are having un-divided right of share 1.46 cents out of 3.76 cents. Therefore, the petitioners raised objections before the Sub-Registrar. On the strength of the settlement deed, there was sub-division as Survey Nos.157/3A and 157/3B. In pursuant to the sub-division and the settlement deed, the second respondent sold out the subject land by way of registered sale deed dated 22.07.2015 in favour of the third respondent vide document No.3217 of 2015. Now the said order of sub-division is challenged in this Writ Petition.

5. It is seen from the counter and the typed set filed by the second and third respondents herein, after settlement deed executed in favour of the second respondent already sub-division was ordered and accordingly, the patta was issued in favour of the second respondent. However, the petitioner and two others also filed a suit in O.S.No.119 of 2015 on the file of the Additional District Munsif, Tiruttani, challenging the sale deed executed in favour of the third respondent by the second respondent as null and void and also for permanent injunction. The said suit was dismissed for default by a Judgment and Decree dated 07.01.2021 on the file of the Additional District Munsif, Tiruttani. Pending the said suit, the Writ Petition was filed before this Court. However, the said suit was dismissed for default and the petitioners did not take any steps to restore



the suit. That apart, in pursuant to the settlement deed executed in favour of the second respondent, the first respondent ordered for sub-division of property and issued patta in favour of the second respondent herein.

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6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Therefore, the writ petition is devoid of merits. If the petitioners succeed in the suit, declaring the sale deed executed in favour of the third respondent by the second respondent is null and void, it is open to the petitioner to approach the first respondent for issuance of patta in the manner known to law.

7. In the result, the writ petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Tahsildar,
Tiruttani,
Tiruvallur District.
2. The Additional District Munsif,
Tiruttani.

+2ccs to Mr.R.Udayakumar , Advocate, S.R.No.54963
+4ccs to Mr.A.Gowthaman, Advocate, S.R.No.54973
+1cc to the Government Pleader, S.R.No.55086

W.P.No.27401 of 2015
and
M.P.Nos. 1 and 2 of 2015

RLD(CO)
PM/17/11/2021