



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11544 of 2019

K.Pitchammal

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
District Collectorate,
Kancheepuram - 631 501.
2. The Revenue District Officer,
Chennai South Division,
Guindy, Chennai - 600 032.
3. The Tahsildar,
Sholinganallur Taluk,
Chennai - 600 119.
- 4.V.K.Poongothai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2019 and to cancel the Patta bearing No.18075 issued by the 3rd respondent in the name of the 4th respondent in respect of the petitioner's property being the House-site measuring to an extent of 3124 Sq.ft., comprised in Old Survey No.253/4, New Survey No.253/11, Pallikarani Village, Tambaram Taluk, Kancheepuram District within a time frame fixed by this Court.

For Petitioner : Mr.C.P.Sivamohan

For RR1 to 3 : Mr.V.Veluchamy
Government Advocate

For R4 : Mrs.U.Priyadharshini

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2019 and to cancel the Patta bearing No.18075 issued by the third respondent in the name of the fourth respondent in respect of the petitioner's property being the House-site measuring to an extent of 3124 Sq.ft., comprised in Old Survey No.253/4, New Survey No.253/11, Pallikarani Village, Tambaram Taluk, Kancheepuram District within a time framed.



2. The case of the petitioner is that her husband Late.A.Kamakotti owned and possessed a larger extent of land measuring to an extent of 54 cents comprised in Survey No.253/4, Pallikarani Village, Tambaram Taluk, Kancheepuram District. Out of 54 cents, he had settled the land to an extent of 3124 Sq.ft., in the eastern side for the formation of house-sites and to an extent of 1458 Sq.ft., in the western side for the formation of the house-sites in favour of the petitioner by way of a registered settlement deed vide Document No.7675 of 2008 dated 15.12.2008 on the file of Office of the District Registrar, South Chennai. Thus, the petitioner became the owner of the above said properties and they have been in peaceful possession and enjoyment of the same. Subsequently, all the Revenue Records were mutated in her favour. While so, she came to know that for the aforesaid house-sites measuring to an extent of about 1.50 ares (1614 Sq.ft.), a Patta No.18075 had been issued by the third respondent/Tahsildar in favour of the fourth respondent without the knowledge of the petitioner. Immediately, the petitioner has approached the third respondent to cancel the bogus patta issued in favour of the fourth respondent. But, no action has been taken by the third respondent. Hence, she sent a representation dated 22.02.2019 to the second respondent. The second respondent vide communication dated 07.03.2019 directed the third respondent to send a detailed report. Even thereafter, there is no progress, hence, the present writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2019.

4.The learned counsel appearing for the fourth respondent submitted that the land in dispute was sold by the petitioner's husband to one Victoria, who in turn sold the same to the fourth respondent vide Document *No.2282 of 1997 dated 19.05.1997. Hence, the fourth respondent is the absolute owner. He would further submit that the said Kamakotti's daughters filed a suit in O.S.No.644 of 2006 before the Additional District Munsif, Alandur, for declaration of both sale deeds as null and void and the same was dismissed on 29.11.2010. During the pendency of the suit, the said settlement deed was executed in favour of the petitioner. However, the petitioner suppressing the above facts, seeks for the cancellation of the Patta issued in favour of the fourth respondent.

5.It is seen from the records that the petitioner's husband Kamakotti owned 54 Cents of land and out of which, *1800 sq ft was sold in favour of one Victoria in the year 1991. If according to the petitioner, as stated above, the settlement deeds were executed in her favour, rest of the lands, if



available, the same seems to be sold out. Further, it is seen that only based on the sale deed executed by the said Kamakotti in the year 1991, the fourth respondent is claiming title.

6. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the third respondent is directed to survey and fix the boundary marks of the lands in question based on the records and thereafter, pass appropriate orders on the representation of the petitioner, dated 22.02.2019, on merits and in accordance with law. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7. With the above observation and direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

Dated: 24.11.2021

***Corrected as per order of this
Court dated 20.12.2021 made in
WP.No.11544/2019**

Sd/-

Assistant Registrar(CO)

Dated: 29/12/2021

//True Copy//

Sub Assistant Registrar

gba/msm

1. The District Collector,
Kancheepuram District,
District Collectorate,
Kancheepuram - 631 501.
2. The Revenue District Officer,
Chennai South Division,
Guindy, Chennai - 600 032.
3. The Tahsildar,
Sholinganallur Taluk,
Chennai - 600 119.

To be Substituted the order
already despatched on
29.11.2021

+lcc to Mr.Sivamohan, Advocate, S.R.No.52247

+lcc to M/s.Professor M.Udayabanu, Advocate, S.R.No.68841

+lcc to the Government Pleader, S.R.No.52819

W.P.No.11544 of 2019

MG(CO)

RGA(26/11/2021)

SB(29/12/2021)