



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.36865 of 2016  
and  
WMP No.31687 of 2016

B. Narayanan

... Petitioner

Vs

1. The Tahsildar,  
Avadi Taluk,  
Tiruvallur District.

2. Dilli Babu  
Prop : Sri Sai Enterprises,  
New No.1, Old No.1255, C.T.H.Road,  
Nachiar Chathiram, Nadukuthagai,  
Chennai - 602 024.  
(R2 impleaded as per order  
dated 27.10.2021 made in WMP  
No.1706 of 2017 in W.P.No.36865 of 2016)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.1227/2016/A1, dated 09.02.2016 of the respondent and quash the same and consequently direct the respondent to issue patta in the name of the petitioner in respect of his ancestral immovable property comprised in New Survey Nos.136/1 & 136/3 as per Natham Land Tax Scheme, Grama Natham Old Survey No.136/1 of Nachichathiram Village, presently Avadi Taluk (formerly Poonamallee Taluk), Nadukuthagai, Thiruninravur, Poonamallee Taluk, Tiruvallur District, within a time period to be fixed by this Court.

For Petitioner : Mr.S.Gajendran

For R1 : Mr.Richardson Wilson  
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.



1227/2016/A1, dated 09.02.2016 of the respondent ; quash the same and consequently direct the respondent to issue patta in the name of the petitioner in respect the property comprised in New Survey Nos.136/1 & 136/3 as per Natham Land Tax Scheme, Grama Natham Old Survey No.136/1 of Nachichathiram Village, presently Avadi Taluk (formerly Poonamallee Taluk), Nadukuthagai, Thiruninravur, Poonamallee Taluk, Tiruvallur District, within a time period to be fixed by this Court.

2. Heard, Mr.S.Gajendran, the learned counsel appearing for the petitioner and Mr.Richardson Wilson, the learned Government Advocate appearing for the first respondent.

3. The case of the petitioner is that the property comprised in New Survey Nos.136/1 & 136/3 classified as Grama Natham situated at Nachichattiram, Poonamallee Taluk, Thiruvallur District, originally belonged to his grandfather. After his demise, the petitioner's father inherited the property and after his father's demise, the petitioner inherited the subject property and he is in possession and enjoyment of the subject property by virtue of partition deed dated 03.02.2012. In fact, the said property was also assessed to the property tax and the petitioner is continuously paying the house tax and other revenue dues. The petitioner repeatedly requested to issuance of patta. However, the respondent issued patta in favour of his neighbors for the subject property. Therefore, he submitted a petition before the respondent and the respondent did not take any action. Hence, the petitioner was constrained to file a writ petition in W.P.No. 8212 of 2013 and as directed by this Court, the respondent conducted an enquiry and passed the impugned order. Pending Writ Petition, the petitioner also filed a petition to implead the second respondent, who is neighbour and who was issued patta in respect of the subject property by the respondent in WMP No.1706 of 2014 and the same was allowed.

4. The learned counsel for the second respondent submitted that already the petitioner filed a suit for recovery of possession and recovery of rent in respect of the subject property in O.S.No.690 of 1982 on the file of the District Munsif Court, Poonamallee. The said suit was decreed only insofar as the recovery of possession and not for recovery of rent. However, the Trial Court decreed the suit insofar as the recovery of possession alone and dismissed the claim of rent. Aggrieved by the same, the petitioner as well as the second respondent preferred an appeal in A.S.No.24 of 2006 on the file of the Sub Court, Poonamallee. Both the appeals were dismissed and aggrieved by the same, the petitioner preferred an appeal in SA.Nos.1171 and 1172 of 2014 and both the second appeals are pending before this Court. Suppressing the above facts, the



petitioner filed this Writ Petition, as if the said land was purchased by his grandfather.

5. That apart as against the order passed by the Tahsildar, there is an appeal remedy under Section 12 of the Patta Pass Book Act before the Appellate Authority. Therefore, the Writ Petition is devoid of merits and is liable to be dismissed. If the petitioner succeeds in the second appeal, he can very well approach the second respondent for issuance of patta in his favour.

6. In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp

To

The Tahsildar,  
Avadi Taluk,  
Tiruvallur District.

W.P. No.36865 of 2016 and  
WMP No.31687 of 2016

GPL(CO)  
CT 02/12/2021