



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.10899 of 2014
and M.P. No.1 of 2014

1. S.V.Dhanasekar
2. V.Lakshmipathi
3. V.Anandan
4. V.Pushpalatha
5. V.Bhuvaneswhari
6. V.Manikandan

... Petitioners

-Vs-

1. The Thasildar,
Talluk Office Building,
G.S.T.Road, Tambaram East,
Chennai-45.
2. The Special Thasildar,
Urban Land Scheme, Tambaram,
Chennai.
3. The Secretary to Government of Tamilnadu,
Home Department,
Fort St.George, Chennai.
4. The Inspector of Police,
Selaiyur Police Station,
Kancheepuram District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the proceedings of the first respondent in its O.Mu.27/A/2014 dated 24.03.2014 and quash the same and consequently direct the respondents to issue patta to the petitioners land in Survey No.84/3A extent of 34 cents in Selaiyur Village, Tambaram Taluk, Kancheepuram District.

For Petitioners : Mr.V.Vijay Shankar

For Respondents : Mr.Richardson Wilson
Government Advocate.



ORDER

The Writ Petition has been filed to call for the proceedings of the first respondent in its O.Mu.27/A/2014 dated 24.03.2014 and quash the same and consequently direct the respondents to issue patta to the petitioners land in Survey No.84/3A extent of 34 cents in Selaiyur Village, Tambaram Taluk, Kancheepuram District.

2. The case of the petitioners is that they are in possession and enjoyment of the property comprised in survey No.84/3A to an extent of 34 cents situated at Selaiyur Village, Tambaram Taluk, Kancheepuram District for the past several years by their predecessor viz., their father and grandfather. While being so, the fourth respondent herein attempted to trespass into the said property. Therefore, his grandfather filed suit in O.S.No.13 of 1983 for bare injunction on the file of the District Munsif Court, Poonamallee, as against the fourth respondent as the same was decreed by the judgment and decree dated 13.11.1983.

3. Again in the year 1997, the fourth respondent disturbed the possession and enjoyment of the petitioners. Therefore the petitioners' father filed another suit in O.S.No.401 of 1978 on the same Court, for injunction in respect of the very same property as against the fourth respondent and the same was also decreed by the judgment and decree dated 14.07.1987. Further the third party also filed another suit in O.S.No.3393 of 1993, in which the fourth respondent filed written statement stating that they decided to move the police station to some other place. They further stated that, there is no impediment in retaining the out post police station in the said property. The said suit in O.S.No.3393 of 1993 was also dismissed by the judgment dated 13.03.2002. While being so, the petitioners applied for patta to the first respondent for the said property. It was rejected on the ground that the land classified as Vandipathai and it is in possession of the fourth respondent herein. Aggrieved by the said order, the petitioners filed the present Writ Petition with the above prayer.

4. Heard Mr.V.Vijay Shankar, learned counsel appearing for the petitioners, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

5. It seen that, as against the order passed by the Thasildar, there is an appeal provisions under Section 12 of the Patta Passbook Act 1983. When there is a specific remedy is available, this Court cannot entertain the present Writ Petition filed under Section 226 of the Constitution of India, unless there is violation in principles of natural justice. Therefore



the Writ Petition is devoid of merits and liable to be dismissed. However, the petitioners are at liberty to file an appeal before the appellate authority within a period of two weeks from the date of the receipt of a copy of this Order. The period of pendency of this Writ Petition may be excluded while calculating the limitation period. If any appeal filed, the appellate authority is directed to dispose the same within a period of twelve weeks thereafter.

6. In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Thasildar,
Talluk Office Building,
G.S.T.Road, Tambaram East,
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2. The Special Thasildar,
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4. The Inspector of Police,
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+1cc to the Government Pleader, S.R.No.43411

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and M.P. No.1 of 2014

PMK(CO)
CT(28/09/2021)