



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24227 OF 2021

Nagavalli

... Petitioner

-Vs-

1. The District Revenue Officer,
Thiruvallur Collector Office,
Thiruvallur-602 001.
2. The Revenue Divisional Officer,
Thiruvallur.
3. The Commissioner,
Avadi Corporation,
Avadi, Chennai-600 054.
4. The Tahsildar,
Avadi Tahsildar Office,
Modern City,
Dheena Dayalan Nagar,
Pattabiram, Chennai-600 072.
5. T.Raji
6. T.Pannerselvam
7. T.Balaji

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 4th respondent to cancel the patta issued in favour of the respondents 5 to 7 in respect of Survey No.719/9A1A1A1A situate at Jeevanantham 5th Street, Paruthipattu village, Avadi Taluk, Thiruvallur District based on the representation of the petitioner dated 18.06.2021 forthwith.

For Petitioner : Mr.C.Prabakaran
For R1 to R4 : Mr.A.Selvendran
Special Government Pleader.
For R5 to R7 : Mr.K.Kannan



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to consider the representation of the petitioner dated 18.06.2021 to cancel the patta issued in favour of the respondents 5 to 7 in respect of the property comprised in Survey No.719/9A1A1A1A situated at Jeevanantham 5th Street, Paruthipattu Village, Avadi Taluk, Thiruvallur District.

2. Heard, Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.K.Kannan, learned counsel appearing for the respondents 5 to 7.

3. The case of the petitioner is that the petitioner owned property comprised in survey No.713/1B situated at Jeevanantham 5th Street, Paruthipattu village, Avadi Taluk, Thiruvallur District. The respondents 5 to 7 owned the land in survey Nos.761/9, 716/9A1A1A1A situated at Jeevanantham 5th Street, Paruthipattu village, Avadi Taluk, Thiruvallur District. There is a metal road existing width of 20 feet. The respondents 5 to 7 had derived title by the settlement deed from parent deed registered vide document No.2052 of 1980 only admeasuring to an extent of 8 cents. As per the said sale deed, the said property found on the north side of the 20 feet road. On the strength of the sale deed, the settlement deed was executed in favour of the respondents 5 to 7 herein on 29.08.1996. As per the settlement deed, they were settled to an extent of 2464 $\frac{1}{2}$, 1439 and 1876 sq.ft in total 5779.5 sq.ft. of land, which comes to 13 $\frac{1}{4}$ cents.

4. On the strength of the settlement deed, they were issued patta. They encroached the existing 20 feet road and now they are claiming that the road was laid on their patta land and to remove from the said land. They also filed a writ petition in W.P.No.17969 of 2021 and it is pending before the Hon'ble Division bench of this Court for disposal. Therefore, the petitioner filed a petition before the first respondent to conduct enquiry to cancel the patta in favour of the respondents 5 to 7 herein. Admittedly, the petitioner is the neighbour and who is not the owner of the property comprised in survey No.761/9, 716/9A1A1A1A. The petitioner was not claiming the patta over the property. However, the petitioner is being the adjacent owner of the subject property, he is using the road, which is located on the north side of the respondents 5 to 7 plots.

5. Whereas, the case of the respondents 5 to 7 is that they owned land admeasuring to an extent of 5779.5 sq.ft. On



the strength of the settlement deed executed by their father dated 29.08.1996 and accordingly, they were issued patta. However, the third respondent laid road in their patta land and they filed writ petition in W.P.No.17969 of 2021 to remove the road after measurement. Accordingly, the fourth respondent conducted survey and found that they were settled the property by their father and as per the Avadi Town Survey, they were issued patta to an extent of 8 cents i.e., 0326 sq.mts in Ward No.I, Block No.21. The measurement is as follows : "Eastern side - 14.06 mt, Western side - 22.3 mt, Northern side 22.3 mt and Southern side - 15.8 mt, they constructed house and they are residing there. However, the remaining extent of 3 ½ cents is lying vacant. In the said vacant land, the third respondent laid Thar Road.

6. The learned Special Government Pleader submitted that the said road was partly removed. In fact, the petitioner is also impleaded as a party to the writ petition in W.P.No.17969 of 2021 filed by the respondents 5 to 7 and the same is still pending. Therefore, the Tahsildar surveyed the land and reported to this Court by a letter dated 12.09.2021.

7. In view of the above, the direction sought for in this writ petition cannot be granted and the writ petition is devoid of merits. However, the petitioner is at liberty to take the issue before the Hon'ble Division Bench of this Court in W.P.No.17969 of 2021.

8. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Revenue Officer,
Thiruvallur Collector Office,
Thiruvallur-602 001.
2. The Revenue Divisional Officer,
Thiruvallur.



3. The Commissioner,
Avadi Corporation,
Avadi, Chennai-600 054.

4. The Tahsildar,
Avadi Tahsildar Office,
Modern City,
Dheena Dayalan Nagar,
Pattabiram, Chennai-600 072.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.58575
+lcc to the Government Pleader, S.R.No.59033

W.P.No.24227 of 2021

AKII (CO)
PM/28/12/2021