



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 25893 of 2017 and
W.M.P. No. 27333 of 2017

R.Dhanapal

... Petitioner

-vs-

1. The Collector,
Office of the Collector of Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Gandhi Salai, Tirutani Taluk,
Thiruvallur District,
Thiruvallur - 631 209.
3. The Revenue Inspector,
Tirutani Taluk, Thiruvallur District,
Thiruvallur - 631 209.
4. The Tahsildar,
Office of the Tahsildar,
Tirutani Taluk, Thiruvallur District,
Thiruvallur - 631 209.
5. The Village Administrative Officer (VAO),
Vyasapuram Post,
Ganeshapuram Village, Tirutani Taluk,
Thiruvallur District - 631 210.
6. N.Chandrasekar
7. N.Pandurangan
8. Narayanasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 5 to issue computerized Patta in petitioner's favour in respect of the scheduled mentioned property of Dry lands measuring 62 cents situated in Survey Nos.223/9, 223/12 and 223/14 in Ganasapuram Village,



Vyasapuram, Tiruttani Taluk and Post, Thiruvallur District, after holding enquiry against 6th to 8th respondents.

For Petitioner :No appearance

For Respondents:Mr.Richardson Wilson
Counsel for Govt. for R1 to R5
Mr.Nissar Ahmed
for M/s D.Ashok Kumar for R6

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 5 to issue computerized Patta in petitioner's favour in respect of the scheduled mentioned properties of Dry lands measuring 62 cents situated in Survey Nos.223/9, 223/12 and 223/14 in Ganasapuram Village, Vyasapuram, Tiruttani Taluk, Thiruvallur District, after holding enquiry against 6th to 8th respondents.

2. The properties in question is landed properties in Survey Nos.223/9, 223/12 and 223/14 in Ganasapuram Village, Vyasapuram, Tiruttani Taluk, Thiruvallur District.

3. In respect of these three properties, the petitioner seeks for issuance of Patta in favour of the petitioner and the said request, according to the petitioner since has not been considered, he has approached this Court by filing the present Writ Petition with the aforesaid prayer.

4. When the case is taken up for hearing, there is no representation for the petitioner, however, Mr.Richardson Wilson, learned counsel for the Government appearing for the official respondents and Mr.Nissar Ahmed, learned counsel appearing for the sixth respondent made submissions on the merits of the case. After hearing the case, this Court feels that, this Writ Petition can be disposed of on merits.

5. The subject lands according to the petitioner belongs to the petitioner and only on that strength, he claimed Patta in his favour.

6. However, it is the case of the private respondents that, the subject properties with some other properties belong to one Ponnammal and during the life time of Ponnammal, she executed a



Will in respect of the said properties to and in favour of sixth to eight respondents herein.

7. Despite the said Will executed in favour of the private respondents, through which, they inherited the properties in question, there has been some trouble between the private respondents and the petitioner, hence the private respondents were triggered to file a Suit in O.S. No. 162 of 2012 on the file of the District Munsif Court, Tiruttani seeking a judgment for declaratory decree in favour of the plaintiffs, who are the private respondents herein, as against the Writ Petitioner and another, who were the defendants in the Suit, in respect of various properties in three survey numbers mentioned herein above.

8. The Suit after contest was decreed by the District Munsif Court on 09.09.2016, where, the following relief has been granted:

"14. In the result this suit is partly decreed declaring the plaintiffs right and title of the suit schedule mentioned properties in Survey Nos.223/9, 223/12 and 223/14, 223/29 and 223/37 and granting to permanent injunction restraining the defendants their, men, agents and servants from any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule mentioned Survey Nos.223/9, 223/12, 223/14, 223/29 and 223/37 and the suit is dismissed in respect of suit schedule mentioned Survey Nos.223/46 and 223/47. In view of the facts and circumstances of the case, no cost is awarded."

9. Subsequently, pursuant to the Will executed in favour of the private respondents followed by the Civil Court decree as referred above, the ownership of the properties in question has been confirmed in favour of the private respondents, on that strength, they seems to have obtained Patta from the Revenue Authorities in their favour. However, as against the said move, the petitioner had approached the Revenue Authorities to get Patta for the said lands in three survey numbers referred to above in favour of the petitioner and that is why, the present Writ Petition has been filed with the aforesaid prayer.

10. Mr.Richardson Wilson, learned counsel for the Government appearing for the official respondents by relying upon the averments made in the counter affidavit on behalf of the official respondents 1 to 5 would submit that, the properties in question with some other properties belong to one Ponnammal



and this is evident from the revenue records and the said Ponnammal executed the Will in favour of the private respondents and based on the Will executed in favour of them, they could have enjoyed the properties. However, since some trouble arose, they approached the Civil Court and got a decree as stated above. Therefore, the ownership of the lands in question in favour of the private respondents 6 to 8 since has been confirmed by the declaratory decree issued by the Competent Civil Court, as against which, since there is no further appeal filed by the petitioner, that declaration has become final. Therefore, based on which, only the private respondents can claim ownership of the properties and they are only entitled to get Patta. Therefore, the plea raised by the petitioner to get Patta in his name in respect of the three survey numbers of the properties in question cannot be entertained by the Revenue Authorities. Therefore, this Writ Petition is liable to be rejected, he contended.

11. Taking the similar line, Mr.Nissar Ahmed, learned counsel appearing for the sixth respondent also made submissions that, he also seeks for dismissal of this Writ Petition.

12. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

13. As has been rightly pointed out by the learned counsel for the Government appearing for the official respondents as endorsed by the learned counsel appearing for the sixth respondent, as per the records, the lands in question originally belong to one Ponnammal, who executed the Will in favour of the private respondents, on the strength of the Will as well as the other documents, the private respondents filed the Civil Suit for a declaratory decree as against the petitioner herein and another person, who stood as defendants in the Suit and the Suit was decreed as stated supra.

14. In the operative portion of the judgment and decree, S.Nos.223/9, 223/12, 223/14, 223/29 and 223/37 have been mentioned, as if the Suit has been decreed in favour of the private respondents, therefore, out of five survey numbers, since three Survey Nos.223/9 223/12 and 223/14 also covered, which are the subject matter in this Writ Petition, for which alone, the petitioner seeks Patta in favour of him, therefore, absolutely, the petitioner does not have any right to seek Patta in his favour. Therefore, the said plea raised before the



Revenue Authorities, as has been pointed out by the learned counsel for the Government, need not be considered, as it has been established through the Civil Court decree that the petitioner is not the owner of the properties in question, but the private respondents are the owners. Therefore, the petitioner has no locus to seek for any indulgence of this Court, i.e., a direction to the Revenue Authorities to issue patta for the said properties.

15. In that view of the matter, the plea raised by the petitioner cannot be countenanced. Therefore, the Writ Petition fails and accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

vji

To

1. The Collector,
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Tiruvallur.
2. The Revenue Divisional Officer,
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5. The Village Administrative Officer (VAO),
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Ganeshapuram Village,
Tirutani Taluk,
Thiruvallur District - 631 210.

+lcc to the Government Pleader Sr.28507

W.P. No. 25893 of 2017
and
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srg 20/07/2021