



W.P.No.26967 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26967 of 2012

And

M.P.No.1 of 2012

1.K.Karthik
2.K.Deepak

(Both represented by their duly constituted
General Power of Attorney Agent
Mr.K.Kalaivanan)

... Petitioners

Vs.

- 1.The District Collector, Chennai,
Singaravelar Maaligai,
Rajaji Saalai,
Chennai 600 001.
- 2.The District Revenue Officer, Chennai,
Singaravelar Maaligai,
Rajaji Saalai,
Chennai 600 001.
- 3.The Tahsildar,
Egmore – Nungambakkam Taluk,
Spur Tank Road,
Chetpet,
Chennai 600 031.

4.P.V.Jayanthi Iyengar

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the second respondent's Notice in No.O3/19598/2009 dated 16.08.2012, from the file of the second respondent, and quash the proceeding initiated by the second respondent based on fourth respondent's Complaint dated 09.07.2012 with respect to issuance of patta in respect of the property at Door No.46, Umapathy Street, West Mambalam, Chennai, comprised in T.S.No.17/33, Block No.49, Puliyur Village, Egmore-Nungambakkam Taluk, Chennai.

For Petitioners : Mr.M.Ravi
For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Special Government Pleader
Mr.K.Seetharaman for R4

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the entire records relating to the second respondent's Notice in No.O3/19598/2009, dated 16.08.2012 and to quash the proceedings initiated by the second respondent based on the fourth respondent's complaint dated 09.07.2012 with respect to issuance of patta in respect of the property at Door No.46, Umapathy



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Street, West Mambalam, Chennai, comprised in T.S.No.17/33, Block No.49, Puliyur Village, Egmore-Nungambakkam Taluk, Chennai.

2.The case of the petitioners is that the subject property originally belonged to one P.D.Rajagopalan. Since the said P.D.Rajagopalan remained as Bachelor, he brought up the petitioners mother as his foster daughter and he lived along with her. The said P.D.Rajagopalan bequeathed the subject property in favour of the petitioners mother by way of registered Will dated 12.11.1977. Thereafter, the said P.D.Rajagopalan revoked the said Will and settled the land in favour of the petitioners by way of settlement deeds dated 24.08.2000 and 25.08.2000 and they also obtained patta in their favour.

3.The further case of the petitioners is that the fourth respondent who is the daughter of the said P.D.Rajagopalan's brother, along with her husband tried to trespass into property. Hence, the petitioners filed O.S.No.866 of 2002 on the file of VIII Assistant City Civil Court, Chennai against them for permanent injunction and also obtained an order of interim injunction. Whiles, the fourth respondent submitted petition dated 27.05.2009 to the



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second respondent seeking to cancel the patta issued in favour of the petitioners and the second respondent vide order dated 04.08.2010 cancelled the patta issued in favour of the petitioners.

4.The further case of the petitioners is that as against the order dated 04.08.2010, the petitioners filed W.P.No.21511 of 2010 before this Court and pursuant to the order of this Court dated 28.09.2010 made in the said writ petition, thorough enquiry was conducted and the third respondent vide order dated 06.03.2012 directed transfer of registry of the land involved to be effected in favour of the petitioners and to issue Extract of Town Survey Land Register in favour of the petitioners. Accordingly, Extract of Town Survey Land Register (Patta) was issued in favour of the petitioners on 18.05.2012. Thereafter, the fourth respondent made complaint dated 09.07.2012 to the Minister, Revenue Department seeking cancellation of patta issued in favour of the petitioners and the said complaint was forwarded to the second respondent and the impugned notice came to be issued. Hence, this writ petition.

5.The learned counsel appearing for the petitioners submitted that since the fourth respondent along with her husband was



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frequently interfering with the petitioners enjoyment of the property, the petitioners filed O.S.No.866 of 2002 on the file of VIII Assistant City Civil Court, Chennai, for permanent injunction and the said suit was decreed in their favour on 28.08.2014. Thereafter the fourth respondent filed petition for Letters of Administration in O.P.No.842 of 2012 and this Court granted Letters of Administration in favour of the fourth respondent on 31.10.2013.

6.The learned counsel appearing for the petitioners further submitted that thereafter, the petitioners filed applications in A.Nos.4446 and 4447 of 2014 seeking revocation of Letters of Administration granted in favour of the fourth respondent on 31.10.2013 and this Court vide order dated 19.12.2014 made in the said applications revoked the Letters of Administration granted in favour of the fourth respondent. Challenging the same, the fourth respondent filed O.S.A.Nos.443 and 444 of 2014 before this Court and the same is pending.

7.The learned counsel appearing for the petitioners further submitted that in the meanwhile, the fourth respondent filed A.S.No.363 of 2014 on the file of the XIX Additional City Civil Court,



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Chennai as against the judgment and decree dated 28.08.2014 made in O.S.No.866 of 2002 and vide order dated 09.04.2018 the said appeal suit was dismissed.

8.The learned counsel appearing for the petitioners further submitted that apart from the above, the fourth respondent has filed O.S.No.7729 of 2021 before the City Civil Court, Chennai, for declaring the settlement deeds in favour of the petitioners as null and void and for injunction and the same is pending. The fourth respondent has also filed a Calender Case in C.C.No.8592 of 2019 before the Chief Metropolitan Magistrate Court, Egmore as against the petitioners and the same is also pending. The learned counsel further submitted that the Revenue Officials have no authority to decide the title of the parties. Hence, the impugned notice is un-sustainable one.

9.The learned counsel appearing for the fourth respondent submitted that since O.S.A.Nos.443 and 444 of 2014 filed by the fourth respondent before this Court; O.S.No.7729 of 2021 filed by the fourth respondent on the file of the City Civil Court, Chennai and C.C.No.8592 of 2019 filed by the fourth respondent before the Chief



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Metropolitan Magistrate Court, Egmore are pending, this Court may set aside the notice impugned in this writ petition. However, if the fourth respondent succeeds in O.S.A.Nos.443 and 444 of 2014 and O.S.No.7729 of 2021, liberty may be granted to the fourth respondent to file appropriate claim petition before the Revenue Officials.

10.Heard the arguments advanced on either side and perused the materials placed on record.

11.The facts in the present case is not in dispute. Admittedly, patta was granted in favour of the petitioners subsequent to the execution of the settlement deeds dated 24.08.2000 and 25.08.2000 in favour of the petitioners. Admittedly, the Revenue Officials have no authority to decide the title of the parties. Further, O.S.No.7729 of 2021 filed by the fourth respondent before the City Civil Court, Chennai, for declaring the settlement deeds in favour of the petitioners as null and void and for injunction and O.S.A.Nos.443 and 444 of 2014 filed by the fourth respondent before this Court as against the order dated 19.12.2014 revoking the Letters of Administration granted in her favour are pending. In view of all the



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above, this Court is inclined to set aside the impugned notice.

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12.The writ petition is allowed. The impugned notice issued by the second respondent dated 16.08.2012 is hereby set aside. If the fourth respondent succeeds in O.S.A.Nos.443 and 444 of 2014 pending on the file of this Court and in O.S.No.7729 of 2021 pending on the file of the City Civil Court, Chennai, she is at liberty to file appropriate claim petition before the Revenue Officials in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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- 3.The Tahsildar,

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