

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.28237 of 2012

Ashok Lalchand Mahtani

.. Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram.

2. The Revenue Divisional Officer,
Chengalpet.

3. The Tahsildar,
Chengalpet.

4. Vivek Jalan

5. Santhosh Kumar Jalan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue an order, direction or writs and in particular an issue in the nature of Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 15.7.2012 in Na.Ka.No.20339/2010/ No.4 and quash the same and direct the 1st respondent to issue patta in the name of the petitioner for the property bearing property bearing Plot No.234 235 and 236 in Green Acres totaling 51 606 sq.ft. at No.177 Poonthandalam Village Vengambakkam Panchayat Thirukazhukundram Taluk under Survey No.311/112.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The writ petition has been filed seeking to quash the proceedings passed by the 1st respondent dated 15.7.2012 in Na.Ka.No.20339/2010/ No.4 and direct the 1st respondent to issue patta in the name of the petitioner for the property bearing property bearing Plot No.234 235 and 236 in Green Acres

totaling 51 606 sq.ft. at No.177 Poonthandalam Village Vengambakkam Panchayat Thirukazhukundram Taluk under Survey No.311/112.

2. The facts of the case are as follows:

The petitioner is the owner of the property bearing plot No.234, 235 and 236 in Green Acres totalling 51,606 sq.ft. At No.177, Poonthandalam Village, Vengambakkam Panchayat, Thirukazhukundram Taluk under Survey No.311/3 originally owned by one S.Krishnakumar by way of sale deed document No.3026/95 dated 22.11.1995 before the SRO, Thirukazhukundram. During the year 2010, when the petitioner applied for encumbrance certificate, he was granted the same in favour of the 4th respondent, for which, the petitioner filed an application for cancellation of patta before the Revenue Divisional Officer, Chengalpet. The Revenue Divisional Officer has rejected the petitioner's request on 05.04.2010. Aggrieved the said order, the petitioner filed a revision before the first respondent and on 15.07.2012, the first respondent confirmed the order passed by the second respondent. Challenging the said order dated 15.07.2012, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that for the very same dispute, the 4th respondent has already filed a suit in O.S.No.69 of 1996 without impleading the petitioner as one of the party in the said suit and obtained a decree in his favour. Based on decree, the respondents have passed the negative order. In the meanwhile, the petitioner has also filed a suit in O.S.No.83 of 2008 on the file of the District Munsif Court, Thirukazhukundram to cancel the petitioner's sale deed and the same is pending. This Court may permit the petitioner to file a fresh application to the respondents after disposal of the suit for cancellation of patta.

4. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and perused the materials available on record.

5. The respondents have rejected the claim made by the petitioner based on the decree in O.S.No.69 of 1996 obtained in favour of the 4th respondent. Considering fact that the petitioner has filed a suit before the concerned Court for cancellation of patta and the same is pending and also considering the limited request sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner to make a fresh application before the second respondent after disposal of the suit filed by him.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Kancheepuram.
2. The Revenue Divisional Officer,
Chengalpet.
3. The Tahsildar,
Chengalpet.

+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.12088
+1cc to the Government Pleader, S.R.No.12752

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MT(CO)
CT 25/03/2022