



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8395 of 2013

and

MP.No.1 of 2013

Srinivasa Nagar Makkal Nala Sangam
Rep.by its Vice President
J.Rajeshwari
Reg.No.175/2005
No.12/108, Subramani Nagar 3rd Street
Vichoor, Pudhu Nagar
Chennai 600 103.

...Petitioner

.Vs.

1. The Collector
Thiruvallur Collecterate
Thiruvallur.
2. The Revenue Divisional Officer
Ponneri Revenue Divisional Office
Ponneri Taluk, Thiruvallur District
Pin-601204.
3. The Tahsildar
Ponneri Tahsildar Officer
Ponneri Taluk, Thiruvallur District
Pin-601204.
4. L.Venugopal Reddy
5. L.Hemachandra Reddy
6. Tmt.Rakkammal
7. Tmt.Chandirabai

...Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the proceeding in Na.Ka.No.26291/22/dated 10.02.2013 issued by the third respondent and quash the same as illegal, arbitrary and unconstitutional, being violative of articles 14, 21 and 300-A of the constitutional of India, and also violation of the



principle of natural justice thereby direct the respondents 1 to 3 to measure and identified the land purchased by the members of the petitioner Sangam in Survey No.320 & 321 of Vichoor Village, Ponneri Taluk, Thiruvallur District after hearing the members of the petitioner Sangam.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 to R 3

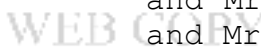
Mr.K.Surendranath
for R4 & R5

ORDER

The writ petitioner challenges the order passed by the 3rd respondent dated 10.02.2013, wherein, the request made by the petitioner for demarcation and measurement of the property and for granting a separate patta in her name was rejected and the parties were directed to approach the Competent Civil Court to workout their remedy.

2.The case of the petitioner is that the plot owners consisting of 194 families formed a Sangam called as Srinivasa Nagar Makkal Nala Sangam. The petitioner was the President of the said Sangam. According to the petitioner, the land measuring an extent of 11.07 acres belonged to one Venugopal Reddy and Hemachandra Reddy and they sold an extent of 5.17 acres in favour of Rakkammal and Chandirabai through seven sale deeds which were registered during the years 1984-1987. The said Rakkammal divided the property into plots and sold the same in favour of Srinivasa Nagar Makkal Nala Sangam. The plots were purchased by the members of Sangam. There was a dispute, wherein, an attempt was made to encroach upon the property and this resulted in civil suits filed before the District Munsif Court, Ponneri.

3.The further case of the petitioner was that the Sangam decided to get the property demarcated and measured so that the confusion can be resolved and the patta can be issued to the respective plot owners. Accordingly, applications were made before the 3rd respondent. The 3rd respondent on hearing the Sangam as well as Venugopal Reddy and Hemachandra Reddy came to a conclusion that there is a dispute with regard to the identity of the property since out of 11.07 acres, 5.90 acres was retained by Venugopal Reddy and it is not clear as to the portion which was retained by them. Hence, the 3rd respondent directed the parties to go before the Competent Civil Court and



4. Heard Mr.M.Murugesan, learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate for R1 to R3 and Mr.K.Surendranath, learned counsel for R4 and R5.

6. In the considered view of this Court, the finding rendered by the 3rd respondent cannot be faulted. If really, there was a compromise between the parties during the pendency of the suits, the parties should have properly identified their respective portions. This is more so since the advocate commissioner was appointed in this suit and he had also filed a report along with a sketch identifying 5.17 acres which was plotted. Unfortunately, the compromise between the parties did not end up in a compromise decree which would have at least enabled the parties to work out their remedy, if there was any dispute on the identify of the properties. This has not happened in the present case and the identify of the properties continued to be kept in limbo and consequently the 3rd respondent was not able to proceed further to demarcate and measure the property since it was disputed by the contesting respondents. The 3rd respondent has rightly directed the parties to approach the Civil Court and get the properties identified and thereafter, approach the 3rd respondent for issuance of patta for the identified properties. This finding



rendered by the 3rd respondent does not suffer from any illegality and does not deserves the interference of this Court.

7. It is made clear that it will be left open to the parties to go before the Civil Court and take necessary steps for identification of the properties and thereafter approach the 3rd respondent. Till this process is completed, it will not be possible for the 3rd respondent to measure and demarcate the properties and issue separate patta. Accordingly, the impugned order passed by the 3rd respondent is sustained.

8. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1. The District Munsif Court
Ponneri.
2. The Collector
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Thiruvallur.
3. The Revenue Divisional Officer
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4. The Tahsildar
Ponneri Tahsildar Officer
Ponneri Taluk, Thiruvallur District
Pin-601204.

+1cc to Mr.K.Surendranath, Advocate, S.R.No.38739

+1cc to the Government Pleader, S.R.No.39333,38955

W.P.No.8395 of 2013

SKM(CO)

RGA(06/07/2022)