



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.11468 & 11471 OF 2021

W.P.NO.11468 OF 2021

V.Srinivasan

... Petitioner

.Vs.

1. The Collector,
Singaravelan Maligai,
Chennai - 600 001

2. The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai - 600 023.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus in pursuant to the petitioner's letter dated 16.03.2021 to the first respondent which has been forwarded to the second respondent for issuance of patta for the petitioner's property situated at Old Door No.22/2, New No.51, Ground Floor, 2nd Circular Road, Jawahar Nagar, Chennai 600 082 comprised in TS.No.79(part) of Block No.36 of Peravallur Village, Purasawalkam - Perambur Taluk, within the limit of Chennai Corporation.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

W.P.NO.11471 OF 2021

V.Gurusaran

... Petitioner

.Vs.



1. The Collector,
Singaravelan Maligai,
Chennai - 600 001.

2. The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai 600 023.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus in pursuance of the petitioner's letter dated 17.03.2021 to the first respondent which has been forwarded to the second respondent for issuance of patta for the petitioner's property situated at Old Door No.22/2, First Floor, New No.51, 2nd Circular Road, Jawahar Nagar, Chennai 600 082 comprised in TS.No.79(part) of Block No.36 of Peravallur Village, Purasawalkam - Perambur Taluk, within the limit of Chennai Corporation.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

COMMON ORDER

This writ petition in W.P.No.11468 of 2021 is filed for direction in pursuant to the petitioner's letter dated 16.03.2021 to the first respondent which has been forwarded to the second respondent for issuance of patta for the petitioner's property situated at Old Door No.22/2, New No.51, Ground Floor, 2nd Circular Road, Jawahar Nagar, Chennai 600 082 comprised in TS.No.79(part) of Block No.36 of Peravallur Village, Purasawalkam - Perambur Taluk, within the limit of Chennai Corporation. The writ petition in WP.No.11471 of 2021 is filed for direction in pursuance of the petitioner's letter dated 17.03.2021 to the first respondent which has been forwarded to the second respondent for issuance of patta for the petitioner's property situated at Old Door No.22/2, First Floor, New No.51, 2nd Circular Road, Jawahar Nagar, Chennai 600 082 comprised in TS.No.79(part) of Block No.36 of Peravallur Village, Purasawalkam - Perambur Taluk, within the limit of Chennai Corporation.



2. Heard, Mr.S.Thiruvengadam, the learned counsel for the petitioners, and Mr.P.Baladhandayutham, Special Government Pleader appearing for the respondents.

3. Brief facts that are set out in the affidavits filed in support of the writ petitions are as follows:

The petitioners state that they purchased their respective properties by way of settlement deed dated 04.02.2004. It is stated that earlier the Government of Tamil Nadu acquired certain lands and allotted the same in favour of Perambur Cooperative Building Society Limited. The said Society formed a layout after getting approval from the Director of Town and Country planning in the year 1965. The petitioners purchased their properties after the layout was developed and sold in favour of several persons. It is the case of the petitioners that the Society originally sold the plot bearing No.180 in Clause -C- measuring an extent of 2275 Sq.ft. in Peralur Village, Jawahar Nagar, to one D.Madhavan by sale deed dated 07.06.1968. The said Madhavan, after putting up a construction sold the property to one Mr.Vijayarangan, by a subsequent sale deed dated 20.11.1979. Thereafter, the said Vijayarangan executed settlement deeds in favour of the petitioners by settlement deeds dated 04.02.2004 vide document No.714 & 715 of 2004 respectively. When the petitioners approached the Officials for getting patta for the house site that was purchased by them, the same were not considered. Hence the petitioners filed the present writ petitions.

4. It is the specific case of the petitioner that the property was originally assigned to the said society which formed the layout. The society formed a layout long back and the layout was approved. The plots of the layout were sold out on the basis of approval granted by the statutory authorities. There were subsequent alienations one after another.

5. Having regard to the admitted facts, this Court find some force in the argument of the learned counsel for the petitioners. It is seen that the petitioners have acquired the respective properties as house sites from the person on the basis of a sale deed obtained from the Society. After this length of time, the possession and enjoyment of the petitioners as claimed by them cannot be disbelieved. It is not the case of the respondents that the plot purchased by the petitioners is not part of the lands assigned to Society.

6. From the pleadings on either side, this Court is fully convinced that the respondents cannot refuse to grant patta ignoring the previous assignment and transfer of interest in favour of the society under whom the petitioners claim right.



Hence the writ petitions are allowed and the second respondent is directed to issue patta forthwith to the petitioners for their respective properties mentioned in the petitions. No order as to costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Singaravelan Maligai,
Chennai - 600 001.
2. The Tahsildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai - 600 023.

+1cc to the Government Pleader, S.R.Nos.8102 & 8103

W.P.NOS.11468 & 11471 OF 2021

PL(CO)
PBS/01/03/2022