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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11904 of 2022

and

W.M.P.Nos.11329, 11330 & 11331 of 2022

The Nizam Sugars Limited,
(A Government of Telangana undertaking),
No.5-10-174, Shakar Bhavan,
Fateh Maiden Road, 'Basheerbagh'
Hyderabad-500 004,
Telangana
Rep by its Managing Director
& Director of Sugar & Cane Commissioner .. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-9.
2. The State of Tamil Nadu
Rep by its Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St. George,
Chennai-9.
3. The Inspector General of Registration,
No.101, Santhome High Road,
Mulapore, Chennai-600004
4. The District Collector,
Chennai District,
Singaravelar Maligai,
Rajaji Salai,
Chennai-600001.'
5. The District Revenue Officer,
Kancheepuram.



6. The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

7. The Tahsildar,
Sholinganallur Taluk,
Chennai District.

8. The Sub Registrar,
Neelangarai,
ECR, Chennai

9. M.C.Sivakami,

10. P.K.Shahul Hameed,

11. M/s. Balaji Machine Works Private Liited,
Regd.Off:No.B/B, Shivganga Apartment,
Zaver Road, Mulund (West),
Mumbai-400080.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a writ by calling for the records of the 5th Respondent dated 22.09.2018 ending in Ni.Mu.15264/2018/No.3 and to quash the same by consequently order cancellation of the Patta issued in favour of the 9th Respondent now mutated in favour of the 11th Respondent.

For petitioner : Mr.C.Manishankar, Senior Counsel for
Mr. C.S.Kiran

For Respondents : Ms. Akila Rajendran,
Government Advocate for R1 to R8

ORDER

The present petition has been filed seeking the relief of quashment of the impugned order dated of the 5th Respondent and to cancel the patta issued in favour of the 9th which now mutated in favour of the 11th Respondent.

2. Ms. Akila Rajendran, Government Advocate takes notice for Respondents 1 to 8.

3. Since, no adverse order is being passed against the 9th Respondent, notice to the 9th Respondent is dispensed with.



4. It is the case of the petitioner that originally the disputed property was purchased by the petitioner vide registered sale deed dated 06.12.1962 from one M.C. Chandrasekaran and since then the petitioner was in possession and enjoyment of the said property. While being so, the 9th Respondent who is the daughter of the petitioner's vendor, had applied for grant of patta in respect of the subject property before the 7th Respondent/Tahsildar and the 7th Respondent without verifying the original records of the subject property, had mutated the patta in favour of the 9th Respondent. Aggrieved by the same, the petitioner preferred an appeal before the 6th Respondent/Revenue Divisional Officer, however, the same was dismissed vide the impugned order dated 22.09.2018. Challenging the same, the petitioner has come up with this Writ Petition seeking the relief of quashment of the same.

5. Learned Counsel for the petitioner submits though this petition has been filed seeking the larger relief, however, the dispute between the petitioner and the 9th Respondent is with regard to the title of the subject property and the same can be dealt with only by the competent civil court. Further, in view of the 9th Respondent taking steps to alienate the subject property, this Court may permit the petitioner to file appropriate civil suit before the competent civil court with respect to the title dispute.

6. Learned Government Advocate appearing for the official respondents submits that the dispute between the parties being with regard to the title to the property, the proper course open for the petitioner is to approach the competent civil court, as the issue pertains to the title of the property and the same cannot be decided by this Court under Article 226 of the Indian Constitution.

7. Heard the learned counsel on the either side and perused the materials available on record.

8. Upon perusal of the materials available on record and in view of the fair stand taken by the learned counsel on the either side, this Court is inclined to permit the petitioner to file appropriate civil suit before the competent civil court with regard to the title to the subject property along with necessary application seeking orders against the vendor and his daughter restraining them from alienating the subject property. The suit shall be filed within a period of eight weeks from the date of receipt of a copy of this order. Subject to the result of the civil suit, the parties are at liberty to approach the competent authority with regard to mutation of patta in respect of the subject property.



9. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Secretary to Government
The State of Tamil Nadu
Commercial Taxes and Registration Department,
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7. The Tahsildar,
Sholinganallur Taluk,
Chennai District.



8. The Sub Registrar,
Neelangarai,
ECR, Chennai

+1cc to Mr.C.S.Kiran, Advocate, S.R.No.32449

+1cc to the Government Pleader, S.R.No.33689

W.P.No.11904 of 2022

GSM(CO)
KM(09/06/2022)