



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.21705 of 2018 and
WMP.Nos.25463 & 25464 of 2018 and
17668 of 2020

1.P.Janaki
2.E.P.Nimjith
3.E.P.Jinith
4.N.Jasheena

...Petitioners

Vs

1.The District Collector,
Kanchipuram District,
Thaiyar Kulam,
Kanchipuram 631 501.

2.The Revenue Divisional Officer,
Sub-Collector Office,
Chengalpattu,
Kanchipuram 603 001.

3.The Tehsildar,
Chengalpattu Taluk,
Taluk Office Campus,
Chengalpattu 603 001.

4.M.Revathy

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second and third respondents from deciding the grant of patta pertaining to the properties in survey No.33/2 Puthur Village, Chengalpattu (T.K), Kanchipuram (D.T) till the disposal of the suit in OS.No.68 of 2018 on the file of the Principal District Judge at Chengalpattu.

For Petitioners

: Mr.V.Subramanian



For Respondents

For R1 to 3

: Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

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This writ petition is filed for direction forbearing the second and third respondents from deciding the grant of patta pertaining to the properties in survey No.33/2 Puthur Village, Chengalpattu Taluk, Kanchipuram District till the disposal of the suit in OS.No.68 of 2018 on the file of the Principal District Judge at Chengalpattu.

2. The case of the petitioners is that the first petitioner's husband purchased property to an extent of 2.33 acres comprised in survey No.33/2 situated at Puthur Village, Chengalpattu Taluk, Kanchipuram District. Initially, the first petitioner's husband purchased one acre of land in the survey No.33/2 from one S.Govindan through registered sale deed dated 20.02.1995 vide document No.2216 of 1995. Thereafter, he also purchased property admeasuring 1.33 acres comprised in survey No.33/2 from one, Perumal. Based on those sale deeds, he was issued patta No.559. He died intestate on 29.11.2016 leaving the petitioners as his legal heirs. By the registered partition deed dated 28.12.2017, the petitioners have partitioned the property admeasuring 2.33 acres comprised in survey No.33/2. While being so, the fourth respondent had claimed that she had purchased the property to an extent of 1.58 acres comprised in survey No.33/2 from the legal heirs of one, Arunagiri by the registered sale deed No.5244 of 1985. Therefore, the fourth respondent lodged complaint on 23.05.2017 before the second respondent for cancellation of patta standing in the name of the petitioners herein. On receipt of the same, the second respondent directed the third respondent to conduct enquiry and submit a report. While pending the enquiry, the petitioners filed suit for declaration in OS.No.68 of 2018 on the file of the Principal District Court, Chengalpattu and it is pending. Thereafter, by order dated 13.06.2018, the second respondent cancelled all subdivisions made in respect of the property comprised in survey No.33/2 and whenever the petitioners or the fourth respondent make application for issuance of patta, the third respondent is directed to conduct enquiry and after making field inspection ordered to change patta. However, the said order has not been challenged by the petitioners. Instead of challenging the said order, the petitioners filed this writ petition for mandamus forbearing respondents 2 and 3 from deciding the grant of patta pertaining to the properties in survey No.33/2, Puthur Village, Chengalpattu Taluk, Kanchipuram District till the disposal of the suit filed by them in OS.No.68 of 2018 on the file of the Principal District Court, Chengalpattu for declaration and



consequential relief.

3. Heard, Mr.V.Subramanian, the learned counsel for the petitioner, and Mr.V.Jeevagiridharan, Additional Government Pleader appearing for the respondents 1 to 3. The learned counsel for the fourth respondent submitted that he has already given change of vakalat to the fourth respondent.

4. On perusal of the counter filed by the fourth respondent, revealed that the total extent of the land comprised in survey No.33/2, Puthur Village, Chengalpattu admeasuring 3.58 acres. Out of the total extent of the land, the fourth respondent had purchased the land admeasuring 1.58 acres along with other lands by the registered sale deed vide document No.5244 of 1985. Therefore, the remaining land is only two acres in survey No.33/2. Therefore, the husband of the first petitioner was issued patta for 2.33 acres comprised in survey No.33/2. The second respondent after conducting full-fledged enquiry found that the sub-divisions made in pursuant to the sale deed standing in the name of the first petitioner's husband were duly cancelled and directed the Tahsildar to make field inspection while applying for patta by the petitioners or the fourth respondent herein. However, the petitioners did not choose to challenge the order passed by the second respondent and even while pending enquiry before the second respondent, the petitioners filed suit for declaration on the strength of the sale deed and it is pending.

5. Considering the above, if any application is submitted for issuance of patta, the third respondent is directed to enquire the same and pass orders subject to the result of the suit in OS.No.68 of 2018 on the file of the Principal District Court, Chengalpattu.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District,
Thaiyar Kulam,
Kanchipuram 631 501.

2. The Revenue Divisional Officer,
Sub-Collector Office,
Chengalpattu,
Kanchipuram 603 001.

3. The Tahsildar,
Chengalpattu Taluk,
Taluk Office Campus,
Chengalpattu 603 001.

+1cc to the Government Pleader, S.R.No.1128

WP.No.21705 of 2018

GJ(CO)
CT 24/01/2022