



W.P.No.39729 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.39729 of 2016

1. G.Nagarajan
2. Thamarai Muthu Selvi

... Petitioners

Vs.

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Tambaram,
Chennai 600 045.
3. The Director,
Survey and Settlement Department,
Survey House,
Chepauk, Chennai 600 005.
4. The Special Tahsildar,
Town Survey Settlement Scheme,
Pallavaram Municipality,
Pallavaram,
Kancheepuram District.
5. The Tahsildar,



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Pallavaram Taluk,
Pallavaram,
Kancheepuram District.

6. K.Lakshmi

7. Sri Navabashana Thandayuthapani
Trust, rep. by its Secretary,
Mr.A.Venkatesan
S/o. Appadurai,
No.18, Bajanai Kovil Street,
Hasthinapuram,
Chennai 600 064.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the Patta granted to Mrs.K.Lakshmi as per petition No.81 of 2016 dated 19.01.2016 in TSLR with consequent extract of the Pallavaram Town Survey Land Register in RPT/8A No. Nil dated 21.01.2016 issued by the fourth respondent herein as null and void and consequently grant patta in the name of the petitioners by making necessary entries in the Pallavaram Town Survey Field Register in respect of petitioners' property situated in Gramanatham Survey No.42, T.S.No.62, Block No.86, Ward No.F, Old Door No.15, New Door No.17, North Mosque Street, Asthinapuram, Chennai 600 044, in an extent of 1762 sq.ft., within the time frame fixed by this Court.

For Petitioners : M/S.S.Srinivasan
For R1 to R5 : Mr.U.Bharanidharan
Additional Government Pleader
For R6 & R7 : M/s.Suresh



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Declaration to declare the Patta granted to Mrs.K.Lakshmi as per petition No.81 of 2016 dated 19.01.2016 in TSLR with consequent extract of the Pallavaram Town Survey Land Register in RPT/8A No. Nil dated 21.01.2016 issued by the fourth respondent herein as null and void and consequently grant patta in the name of the petitioners by making necessary entries in the Pallavaram Town Survey Field Register in respect of the petitioners' property situated in Grama Natham Survey No.42, T.S.No.62, Block No.86, Ward No.F, Old Door No.15, New Door No.17, North Mosque Street, Asthinapuram, Chennai 600 044, in an extent of 1762 sq.ft., within the time frame that may be fixed by this Court.

2. The case of the petitioners is that, the first petitioner's father originally owned the aforesaid property from one Mr.JM.Sekar by virtue of Sale Deed, dated 10.08.2000. The said J.M.Sekar had purchased the aforesaid property from sixth respondent/K.Lakshmi and another by way of Sale Deed, dated 05.06.2000. The first petitioner's father died intestate leaving behind his surviving legal heirs, namely Mrs.Thamilselvi, Sridevi,



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Kamatchi and the first petitioner as evidenced from the Death Certificate, dated 11.01.2008 and Legal Heirship Certificate, dated 19.03.2015.

Thereafter, the first petitioner and other legal heirs have become the owners of the said property and have possessed the said property. While enjoying the said property jointly, the other legal heirs have executed a registered Release Deed, dated 07.09.2015 by release and relinquishing their 3/4th share over the said property in favour of the petitioner vide Doc.No.8097 of 2015 on the file of Sub Registrar Office, Pallavaram. In the meanwhile, the first petitioner had settled half of the share over the said property in favour of his wife/the second petitioner herein. In order to grab the aforesaid property, Mr.A.Venkateshan, in collusion with sixth respondent, fraudulently created a Settlement Deed executed by sixth respondent and have settled the said property in favour of the seventh respondent/Arakatalai, vide Doc.No.1577 of 2016, dated 22.02.2016 on the file of Sub-Registrar Office, Pallavaram, pursuant to which, the petitioners came to know that the seventh respondent, along with sixth respondent, had submitted an application dated 19.01.2016 before the fourth respondent, seeking to grant Patta in favour of the sixth respondent, and on the very same day, the first petitioner name has been deleted in the



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patta entry in Petition No.1569 and the name of sixth respondent, vide Petition No.81/2016, dated 19.01.2016 was entered in the TSLR, without any prior notice or affording reasonable opportunity to the petitioners, as against which, the first petitioner made a representation dated 08.08.2016 before the second respondent, for cancellation of Patta granted in favour of sixth respondent and to grant the said Patta in favour of the petitioners. However, the said application was rejected by the second respondent and the first petitioner was directed to approach the third respondent/Director of Survey and Settlement Department. Therefore, the first petitioner preferred an appeal dated 19.08.2016 before the third respondent, which was not disposed of. Hence, the petitioners have filed the present Writ Petition.

3. The learned counsel for the petitioners submitted that it would suffice, if this Court issues a direction to the third respondent to conclude the enquiry proceedings by considering the first petitioner appeal dated 19.08.2016 and pass orders within a stipulated time that may be fixed by this Court.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the first petitioner's appeal dated 19.08.2016 will be concluded and appropriate orders will be passed.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, it is seen that the first petitioner claim that the Patta was already issued in his favour and subsequently, it was cancelled by the fourth respondent/The Special Tahsildar, as against which, the first petitioner preferred an appeal before the second respondent, for cancellation of Patta issued in favour of sixth respondent. However, the second respondent returned the first petitioner's application with a direction to the petitioners to make application before the third respondent/Director, Survey and Settlement Department, pursuant to which, the first petitioner made an application before the third respondent, and the same was not considered by the third respondent.

7. In view of the above facts, this Court is inclined to issue a



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direction to the third respondent to conclude the proceedings and pass appropriate orders on considering the first petitioner's appeal dated 19.08.2016, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners as well the private respondents herein. The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, this Writ Petition is disposed of. No costs.

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Speaking Order : Yes/ No

Internet: Yes/ No

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M.DHANDAPANI, J.
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