

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12836 of 2014  
and M.P.Nos.1 and 2 of 2014

1.Janaki Ammal  
2.Prema Rangachari  
3.Vijayalakshmi

... Petitioners

Vs.

1. The Commissioner of Survey  
and Settlement,  
Government of Tamil Nadu,  
Chepauk, Chennai 600 005.  
  
2. The District Collector,  
Chennai District  
Collectorate Building,  
Rajaji Salai, Chennai 600 001.  
  
3. The Tahsildar,  
Mambalam-Guindy Taluk,  
Chennai 600 078.  
  
4. Ahamed Sheriff

5. M.Rajan

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of certiorari calling for the records in RC.D1/5054/11 dated 28.09.2011 on the file of the 1st respondent and quash the same in so far as it is concerning the petitioners property in T.S.No.7/3, Block No.14, Zamin Adyar Village, Kotturpuram, Chennai.

For Petitioner : Mr.A.Thiagarajan, Senior Counsel  
for Mr.E.C.Ramesh  
For RR1 to RR3 : Mr.G.Krishnaraja  
Additional Government Pleader  
For RR4 & RR5 : Mr.M.L.Ramesh

Order

The petitioner has filed this petition for issuance of writ of Certiorari to call for the records on the file of the 1st respondent dated 28.09.2011 and quash the same.

2. The case of the petitioner is that the petitioner has inherited the property in T.S.No.7/3, Block No.14, Zamin Adyar Village, Kottupuram, Chennai, from her husband, admeasuring an extent of 1 ground and 883 sq.ft and ever since the date of purchase, her husband was in possession and enjoyment of the property. Originally the said property was owned by Smt.Sakkubai Ammal and Pushpavathi Ammal and from the share of Smt.Sakkubai Ammal, a part of the property got transferred to the husband of the petitioner. While so, the 4<sup>th</sup> respondent's mother Tmt.Pyari Ammal @ Mumtaj Begum, claimed an extent of 33 grounds in Adyar Village purely based on a rokka pakka no.11 in block no.14 issued by erstwhile Zamindar and got patta in respect of T.S.No.7/1 in Block NO.14 of Adyar Village, Kotturpuram and the same has been challenged by the purchasers of Sakkubai Ammal before the Collector, Madras and thereafter, the Collector of Madras has declared the patta issued to the mother of the 4<sup>th</sup> respondent as null and void and directed the Tahsildar to restore the original entry in the T.S.L.R. and thereafter, the 4<sup>th</sup> respondent and his mother had filed series of litigations for their title over the property, before the competent civil forums against the plot owners, however they failed to prove their title to the property as the identity of the property was not established by them. Furthermore, the 4<sup>th</sup> respondent impersonated documents and suppressing the Supreme Court and High Court judgment and decree, had approached the 1<sup>st</sup> respondent with false claims as they are the owners of the property and filed a petition dated 11.04.1994 to set aside the orders of the Settlement Tahsildar passed in the year 1958 and since no order was passed on the said petition, had also filed a Writ Petition in W.P.NO.8109/2011 to direct the respondent therein to dispose of the representation and in pursuant to the order passed by this Court, the Settlement Officer / 1<sup>st</sup> respondent granted Ryotwari patta in favour of the said Pyari Ammal. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the other writ petitions in W.P.No.20941, 20347 and 18545 of 2012, filed by the other stake holders, were withdrawn by them, since suo motu proceedings have been initiated by the Commissioner of Land Administration and the said writ petitioners were allowed to proceed with their case in the said suo motu proceedings and hence, this Court may permit the petitioner herein also to participate in the said suo motu proceedings by filing an appropriate claim petition before the Commissioner of Land Administration.

4. The learned Special Government Pleader appearing for the official respondents submitted that the next hearing date for the said proceedings is fixed on 20.06.2022 and hence this Court may permit the petitioner to participate in the enquiry

proceedings on 20.06.2022 at 4.00 pm.

5. In view of the above submissions, this Court without going into the merits of the case, permits the petitioner to participate in the suo motu proceedings initiated by the Commissioner of Land Administration by filing appropriate claim petition and if any such petition is filed, the said official shall decide the issue along with the case of the petitioner, as expeditiously as possible.

6. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Survey  
and Settlement,  
Government of Tamil Nadu,  
Chepauk, Chennai 600 005.
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Collectorate Building,  
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3. The Tahsildar,  
Mambalam-Guindy Taluk,  
Chennai 600 078.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.35597

+1cc to M.L.Ramesh, Advocate, S.R.No.35394

+1cc to the Government Pleader, S.R.No.36432

W.P.No.12836 of 2014

AJB(CO)  
CT/17/06/2022