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W.P.No.22645 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22645 of 2022

C.Rajasekaran

... Petitioner

Vs.

1.The District Collector,
Chengalpattu,
Collectorate, GST Road,
Chengalpattu – 603 001.

2.The Tahsildar,
Thiruporur Taluk,
Thiruporur,
Chengalpattu District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent 1 to complete the process of Patta name change by issuing Patta No.450 in the name of the Petitioner for the lands measuring about 76 cents comprised in Survey No.197/6 in Thiruvidanthai Village, Thiruporur Taluk, Chengalpattu District within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Sridharan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to complete the process of Patta name change by issuing Patta No.450 in the name of the Petitioner for the lands measuring about 76 cents comprised in Survey No.197/6 in Thiruvidanthai Village, Thiruporur Taluk, Chengalpattu District within the time frame as may be fixed by this Court.

2. The case of the petitioner is that originally the aforesaid property belongs to petitioner's aunt, namely Mrs.Kannammal and after her demise, the aforesaid property devolved on the petitioner. In order to transfer Patta in his name, the petitioner made a representation dated 08.11.2018 before the second respondent. However, there was no response evoked from the second respondent. In the meantime, the petitioner came to know that there were two fraudulent sale deeds relating to Survey No.197/6, registered as Doc.No.8227 of 2006, dated 15.08.2006 and another Doc.No.8231 of 2006, dated 15.09.2006 on the file of Sub Registrar Office, Thiruporur. In order to cancel the said documents, the petitioner filed a Suit in O.S.No.143 of 2017 on the file of the District Munsif Court, Chengalpattu and obtained an ex-parte decree dated 19.02.2020 in his favour, declaring the said two sale



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deeds as null and void. Thereafter, the petitioner made a representation dated Nil July 2021 before the first respondent along with a copy of the representation made to the second respondent, seeking to transfer Patta relating to the subject property. Since the said representations were not considered by the respondents, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that admittedly the petitioner obtained the ex-parte decree in O.S.No.143 of 2017, dated 19.02.2020 on the file of the District Munsif, Chengalattu. Thereafter, the Power of Attorney Holder and Encroachers of the suit property made an application to set-aside the ex-parte decree obtained by the petitioner and the enquiry was posted on 21.09.2022. Further, he contented that mere pendency of the interim application will not be a bar for Revenue Officials to consider the petitioner's application for issuance of Patta. Accordingly, he prayed for allowing the Writ Petition.

4. The learned Government Advocate, on instructions, would submit that though the petitioner claims that he obtained the ex-parte decree in O.S.No.143 of 2017 dated 19.02.2020, since the defendants therein filed a



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petition to set-aside the ex-parte decree and the enquiry was posted on 21.09.2022, after the disposal of the I.A.'s, the petitioner's application would be considered in the manner known to law.

5. In view of the above, this Court is of the view that it is open to the petitioner to file a fresh application for issuance of patta after the disposal of the Suit in O.S.No.143 of 2017 and other related I.A.'s. In such an event, the Revenue Officials are directed to pass appropriate orders, subject to the outcome of the above said Suit.

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

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Index : Yes / No
Speaking order: Yes/ No
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To
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M.DHANDAPANI, J.

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