



WEB COPY



W.P.No.23673 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

W.P.No.23673 of 2022

Ramalakshmi

.. Petitioner

Versus

1. The Tahsildar  
Thiruvottriur Taluk Office  
T.H.Road  
Thiruvottriur, Chennai – 600 019

2.AMaharajan  
(R2 impleaded in W.M.P.No.24508 of 2022  
in W.P.No.23673 of 2022 vide order dated 30.09.2022 by this Court.)  
... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to consider the representation dated 22.06.2022 and issue patta in the name of the petitioner in accordance with law for the property bearing Door No.10, New Door No. 19, Udayasuriyan 1<sup>st</sup> Street, Sathuma Nagar, Chennai – 600 019, comprised in S.Nos.226, 227, 233/2 of Sathangadu Village, measuring an extent of 1054 sq.ft.

For Petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.U.Bharanidharan  
Additional Government Pleader  
Mr.Perumbalavil Radhakrishnan for R2



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**ORDER**

This writ petition is filed by the petitioner seeking to direct the respondent to consider the representation dated 22.06.2022 and issue patta in the name of the petitioner in accordance with law for the property bearing Door No.10, New Door No. 19, Udayasuriyan 1<sup>st</sup> Street, Sathuma Nagar, Chennai – 600 019, comprised in S.Nos.226, 227, 233/2 of Sathangadu Village, measuring an extent of 1054 sq.ft.

2. This Court by order dated 06.09.2022, directed the learned Special Government Pleader to get instructions with regard to the grant of patta in consonance to the petitioner's application dated 22.06.2022, if it is otherwise in order on the next hearing date.

3. Accordingly, this case is listed today under the caption, “for issuance of patta”. When the matter is taken up for consideration, the learned Additional Government Pleader, on instructions, submitted that the application of the petitioner dated 22.06.2022 is accepted and patta is granted in favour of the petitioner.



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4. When the matter was taken up, the learned counsel for the newly impleaded private respondent submitted that petitioner had filed several cases against the second respondent, when the second respondent cancelled the settlement deed executed in favour of the petitioner herein. The petitioner had filed a suit in O.S.No.180 of 2012, on the file of Learned District Munsif Court, Thiruvotriyur seeking for cancellation of settlement deed executed by the second respondent in favour of his children, which was decreed by virtue of a compromise decree in favour of the petitioner without proper appreciation of evidence. Challenging the same, the second respondent filed A.S.No.26 of 2015 before the Sub-Ordinate Judge, Ponneri and I.A.No.1 of 2021 in A.S.No.26 of 2015 has been filed seeking to set aside the compromise decree which are pending. He further pleaded that the patta be issued in favour of the petitioner subject to the result of the above I.A.No.1 of 2021 in A.S.No.26 of 2015.

5. Heard the learned counsel for the petitioner, second respondent and the learned Special Government Pleader for the official respondent and perused the materials placed on record.

6. On perusal of the case file, it would reveal that based on the compromise



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decree in favour of the petitioner in O.S.No.180 of 2012, the petitioner had filed this writ petition seeking for issuance of patta and patta was also issued in favour of the petitioner. Though patta was transferred in favour of the petitioner, based on the above compromise decree, it is to be noted that the second respondent had filed an appeal over the compromise decree in A.S.No.26 of 2015 which is pending before the Sub-Ordinate Judge, Ponneri and further an Interlocutory Application in I.A.No.1 of 2021 in A.S.No.26 of 2015 has also been filed seeking to set aside the disputed compromise decree.

7. In view of the above, this Court is of the view that the patta issued in favour of the petitioner is subject to the result of Interlocutory Application filed by the second respondent seeking to set aside the compromise decree in I.A.No.1 of 2021 in A.S.No.26 of 2015 pending in the file of the Sub-Ordinate Judge, Ponneri

8. In view of the above discussion, this writ petition stands closed. No costs.

30.09.2022

dhk



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**M.DHANDAPANI, J.**

dhk

To

The Tahsildar  
Thiruvottriyur Taluk Office  
T.H.Road  
Thiruvottriyur, Chennai – 600 019

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