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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26312 of 2019

B.Narayanan

... Petitioner

-Vs-

1. The Revenue Divisional Officer,
Tiruvallur Revenue Division,
Tiruvallur.
2. The Tahsildar,
Poonamallee Taluk Office,
Poonamallee,
Tiruvallur District.
3. The Tahsildar,
Avadi Taluk Office,
Avadi,
Tiruvallur District.
4. T.K.Bhoopathy
(R4 impleaded as per order
dated 24.10.2019 made in
W.M.P.No.29490 of 2019
in W.P.No.26312 of 2019)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to consider and process the representation of the petitioner, dated 04.03.2019 by granting patta to him in respect of the house site, comprised in Grama Natham New Survey Nos.136/1 and 136/3 as per Natham Land Tax Scheme, Grama Natham Old Survey No.136/1, measuring an extent of 3810 sq.feet, situated at Nachichathiram, hamlet Nadukuthagai Village, Thiruninravur, Avadi Taluk, Tiruvallur District.

For Petitioner : Mr.V.Suriya Sankar

For R1 to R3 : Mr.P.Balathandayutham
Special Government Pleader

For R4 : Mr.S.Siva Shanmugam



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to consider and process the representation of the petitioner, dated 04.03.2019 by granting patta to him in respect of the house site, comprised in Grama Natham New Survey Nos.136/1 and 136/3 as per Natham Land Tax Scheme, Grama Natham Old Survey No.136/1, measuring an extent of 3810 sq.feet, situated at Nachichathiram, hamlet Nadukuthagai Village, Thiruninravur, Avadi Taluk, Tiruvallur District.

2. Heard Mr.V.Suriya Sankar, learned counsel appearing for the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.S.Siva Shanmugam, learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the property comprised in New Survey Nos.136/1 and 136/3 are classified as Grama Natham, ad-measuring 3810 sq.ft, situated at Nachichathiram, hamlet of Nadukuthagai Village, Thiruninravur, owned by the petitioner's grand father. After his demise, the petitioner's father inherited the said property and after the demise of the petitioner's father, the petitioner is in possession and enjoyment of the said property. The petitioner had applied for patta before the second respondent.

4. A perusal of the records revealed that the petitioner had already filed a suit for recovery of possession and recovery of rent in respect of the subject property in O.S.No.690 of 1982 on the file of the District Munsif Court, Poonamallee. It was decreed only insofar as the recovery of possession and not for recovery of rent. Aggrieved by the same, the petitioner as well as the fourth respondent preferred an appeal suit in A.S.No.24 of 2006 on the file of the Subordinate Court, Poonamallee. Both the appeals were dismissed and aggrieved by the same, the petitioner preferred appeals before this Court in SA.Nos.1171 and 1172 of 2014 and both the appeals are pending.

5. Suppressing the said facts, the petitioner had applied for patta before the third respondent. By an order, dated 09.02.2016, the third respondent had rejected the request made by the petitioner for issuance of patta for the reason that the petitioner is not in possession and enjoyment of the said property and the property is used by "Sri Sai Enterprises" by selling bricks, sand and kadappa stones. The said order was challenged by the petitioner before this Court in W.P.No.36865 of 2016 and this Court dismissed the writ petition by an order dated 27.10.2021. Without even whispering about the above writ petition, the present writ petition has been filed for the very same request for the issuance of patta on the representation, dated 04.03.2019.



6. That apart, the petitioner is residing at No.84, Mohamed Ali Street, Tiruvallur District. Therefore, the petitioner is not entitled for issuance of patta in respect of the subject property.

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7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Tiruvallur Revenue Division,
Tiruvallur.
- 2.The Tahsildar,
Poonamallee Taluk Office,
Poonamallee, Tiruvallur District.
- 3.The Tahsildar,
Avadi Taluk Office,
Avadi, Tiruvallur District.

+1cc to Mr.R.Munuswamy, Advocate SR. No.6694
+1cc to Government Pleader SR. No.7422

W.P.No.26312 of 2019

KG (CO)
PR (28/02/2022)