



W.P.No.30167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.30167 of 2022
and W.M.P.No.29604 & 29605 of 2022

1.Uma Narayanan

2.Maya Narayanan

Both rep. by their power agent,
M/s.Gabriel Associates, a Firm rep. by,
S.Muthukumar.

... Petitioners

Vs.

1.The Settlement Officer,
Chennai – 5.

2.The Assistant Settlement Officer (North),
Chennai – 5.

3.The Tasildhar,
Alandur Taluk,
Chennai.

4.Dhanalakshmi @ Rosaline Mary
Rep. by her Power Agent,
S.Israel Durai

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for
issuance of a Writ of Certiorarified Mandamus calling for the records in all



W.P.No.30167 of 2022

further proceedings in Na.Ka.E4/5253/2019 dated 11.10.2019 on the file of the 1st respondent and quash the same consequently direct the 1st respondent to drop the all further proceedings in view of the order passed in W.P.No.5067 of 2019 filed by the fourth respondent.

For Petitioner : Mr.B.Manoharan

For Respondents 1 & 3 : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuance of Writ of Certiorarified Mandamus calling for the records in all further proceedings in Na.Ka.E4/5253/2019 dated 11.10.2019 on the file of the 1st respondent and quash the same consequently direct the 1st respondent to drop the all further proceedings in view of the order passed in W.P.No.5067 of 2019 filed by the fourth respondent.

2. At the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.



WEB COPY

3. The case of the petitioner is that one Narayanan, husband and father of the petitioners purchased a property comprised in Old S.No.77/1, T.S.No.2, Block No.11, Adambakkam Village, Alandur Taluk, Chennai District from Francis Joseph and Moses through a registered sale deed dated 30.10.2014. This being the case, the fourth respondent fraudulently transferred the patta for the said property on her favour without following due process of law. Aggrieved over the same, Narayanan filed a writ petition in W.P.No.18482 of 2015 before this Court, challenging the patta transfer in favour of fourth respondent by the third respondent. Pending this writ petition, the said Narayanan died and hence, the petitioners were brought on record as legal heirs. Further, the said writ petition was dismissed as withdrawn on 26.04.2018, since, the patta issued in favour of the fourth respondent was cancelled and the same was issued in the joint name of the petitioners.

3.1. While so, the first respondent issued a proceeding in Na.Ka.E2/12961/2018 dated 24.05.2019 stating that the patta issued in favour of the petitioner cannot be interfered. While so, the fourth respondent filed



writ petition in W.P.No.5067 of 2019 against the Registration Department and petitioners herein and the same was dismissed by this Court vide order dated 16.10.2019. Challenging the proceedings of the second respondent dated 24.05.2019, the fourth respondent preferred an appeal before the first respondent, which is pending. This being so, the fourth respondent herein filed a petition dated 06.10.2022 before the first respondent stating that when the appeal was pending before the first respondent, the petitioners illegally put up a construction. Hence, the first respondent passed the impugned order dated 11.10.2022. Aggrieved over the same, the petitioner has filed this writ petition.

4. Learned counsel for the petitioners would submit that already this Court in W.P.No.5067 of 2019 has categorically held that the claim made by the fourth respondent is not genuine and dismissed the writ petition and directed the fourth respondent to approach the Competent Civil Court. Instead of approaching the Competent Civil Court, the fourth respondent made hindrance through a power agent for cancellation of patta before the Revenue Officials, however, the concerned authority has rightly rejected the



fourth respondent's application. Though the second respondent rejected the fourth respondent's claim, granting interim order by the first respondent is not sustainable one. Accordingly, he prayed for appropriate orders.

5. Heard the learned counsel for the petitioners and perused the materials available on record.

6. The facts in the present case is not in dispute. The petitioners claim they are in possession and enjoyment of the subject property, however, it is illegal that the fourth respondent fraudulently transferred the patta on her favour without due process of law. Thereafter, the said alleged fraudulent patta issued in favour of the fourth respondent was cancelled and patta was issued in the joint name of the petitioners. Challenging the same, the fourth respondent filed a writ petition and this Court vide order dated 16.10.2019 dismissed the writ petition. Hence, the fourth respondent preferred an appeal before the first respondent against the proceedings of the second respondent. Pursuant to which, the first respondent passed an impugned order dated



W.P.No.30167 of 2022

11.10.2022. Challenging the same this writ petition is filed.

WEB COPY

7. In view of the above circumstances, instead of keeping the writ petition pending, this Court is inclined to issue direction to the first respondent to dispose the appeal filed by the fourth respondent after providing a reasonable opportunity of hearing to the petitioners as well as the fourth respondent, within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

15.11.2022

3/3

vm

Index : Yes/No

Speaking Order : Yes/No

To:

Page No.6 of 8



W.P.No.30167 of 2022

1.The Settlement Officer,
Chennai – 5.

2.The Assistant Settlement Officer (North),
Chennai – 5.

3.The Tasildhar,
Alandur Taluk,
Chennai.

M.DHANDAPANI,J.

vm



WEB COPY



W.P.No.30167 of 2022

W.P.No.30167 of 2022

15.11.2022