



WEB COPY



W.P.No.6947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6947 of 2023
and WMP.No.7047 of 2023

Jesintha Mary

...Petitioner

Vs

1. Pasalista Mary

2. The Tahsildar,
Purasawalkam-Perambur Taluk,
Chennai 600 011.

3. The District Collector,
George Town, Chennai 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records in pursuant to the assignments granted to the 1st respondent and the consequential patta issued in their favour by the 2nd respondent in respect to the land comprised in R.S.No.779/3, Block No.42, Door No.539, Plot No.431, 10th Street, Vyasarpadi Sastri Nagar, Perambur Village, Purasalvakkam-Perambur Taluk, Chennai, as per registered sale deed, Document No.6759/1988, to quash it with a consequential direction to the 2nd respondent to resurvey the land owned by the petitioner and issue fresh patta to the petitioner.



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For Petitioner : Mr.B.Karthik

For Respondents : Mrs.Akila Rajendran
GA for RR 2 and 3

ORDER

Heard Mr.B.Karthik, learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate for the respondents 2 and 3.

2. In view of the order to be passed in this Writ Petition granting liberty to the first respondent, notice to the first respondent is hereby dispensed with.

3. The proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 states that, if any person is aggrieved against any right of which he is in possession, by an entry made in the patta pass book under this Court, he may institute a suit against the person denying his right or interest for declaration of his rights under Chapter VI of the Specific Relief Act, 1963 and the entry in the patta pass book shall be amended in accordance with any such declaration made by the Civil Court. So also does Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.



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4. In the instant case, both the petitioner, as well as the first respondent herein, allege that they have rights over the property in R.S.No.779/3, Block No.42, Door No.539, Plot No.431, 10th Street, Vyasarpadi, Sastri Nagar, Perambur Village, Pursawakkam, Peramburu Taluk, Chennai.

5. In view of the title dispute between the petitioner, as well as the first respondent, it would be appropriate that they resolve their dispute before the concerned Civil Court of law. As such, the prayer sought for in this Writ Petition to quash the impugned order, does not require interference.

6. In the light of the above findings, the petitioner, the first respondent as well as any other persons who may be interested in the subject property, are granted liberty to approach the Civil Court, within a period of 60 days from today, to exercise their respective rights for declaring the title over the subject property.

With the above liberty, the Writ Petition stands dismissed. No costs. Consequently, connected WMP is also closed.

07.03.2023

Index: Yes/No
Speaking order/Non-speaking order
SR



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M.S.RAMESH,J.

SR

To

1. The Tahsildar,
Purasawalkam-Perambur Taluk,
Chennai 600 011.
2. The District Collector,
George Town, Chennai 600 001.

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