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W.P.No.12370 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12370 of 2021
and
W.M.P.No.13145 of 2021

A.Ramesh

... Petitioner

Vs.

- 1.The District Collector,
Chennai District,
Rajaji Salai,
Chennai 600001.
- 2.The Revenue Divisional Officer,
Chennai District,
Anna Nagar Wester Extension,
Chennai 600040.
- 3.The Thasildar,
Ayanavaram Taluk,
Ayanavaram,
Chennai 600023.
- 4.The Commissioner,
Corporation of Chennai,
Park Town,
Chennai 600003.
- 5.The Chariman and Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,



No.1, Pumping Station Rd, Chintadripet,
Chennai, Tamil Nadu 600031.

6.A.Kamaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to issue patta for the petition property viz. All the piece and parcel of the vacant land bearing Plot No.1, Jayanthi Nagar, Kolathur Village, Perambur Purasai Taluk, now Ayanavaram Taluk, Old Division No.65, New Division No.62, Old Survey No.2/1 Part., Town Survey No.80, 80 Part, Plot No.D and E admeasuring 3710 and Plot No.D bounded on the North by Plot belonging to Ranganathan, South by Plot No.E, East by T.S.No.80 Part and the passage leading to 30 feet Road and West by T.S.No.24 and Plot No.E bounded on the North by Plot No.D, T.S.No.80 Part, South by Plot No.F, T.S.No.80 Part, East by T.S.No.80 Part, and the passage leading to 30 feet Road and West by T.S.No.252 situate within the Registration District of Chennai North and Registration Sub District of Sembium by considering our representation dated 19.11.2020 within a time frame and pass such futher or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.D.Bennington

For Respondents Nos.1 to 3 : Mr.C.Jayaprakash,
Government Advocate.

For Respondent No.4 : Ms.P.T.Ramdevi

For Respondents Nos.5 and 6 : No appearance.



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ORDER

The writ on hand has been instituted to direct the respondents 1 to 3 to issue patta for the petitioner property by considering the petitioner's representation dated 19.11.2020

2.The petitioner states that he has inherited the subject property pursuant to the settlement deed executed by his mother on 20.03.2014. In respect of the Town Survey No.80, mentioned by the petitioner in the document, it is a larger extent of land measuring to an extent of 20,000 square feet. However, the petitioner claims that he owns land to an extent of 3,710 square feet.

3. However, the settlement deed produced by the petitioner found to be doubtful and therefore, this Court directed the Commissioner, Corporation of Chennai and the Revenue Authorities to conduct inspection to verify the revenue records and accordingly place the facts before this Court.

4.The learned Standing Counsel appearing on behalf of the Corporation of Chennai and the learned Government Advocate appearing on behalf of the



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Revenue Authorities submitted written instructions of the Tahsildar and the relevant extract from the permanent land register. As per the revenue records, the name of the petitioner is not found in the register and he is absolutely unconnected with the property in T.S.No.80.

5.A portion of the said land has already been utilised as a public road and is in public usage. The other portion has been found to be belonging to one Tmt.Regia Begum. Thus the petitioner is an alien to the subject property and he has made an attempt to grab the property without having any documents.

6.The Tahsildar, Ayanavaram Taluk, in his written instructions vide letter dated 10.08.2023, stated as follows:

“The petitioner claims that the subject property was originally owned by his father, he has not furnished any document number or the testimonial by which his father namely Ashok Kumar acquired the subject property. Without having any hold on the land, the petitioner's mother has executed a deed of relinquishment relinquishing her 1/3rd share in the said property in favour of the petitioner and his brother.



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The said property measuring 3710 Sq.feet involved in this Writ Petition is comprised in T.S.No.80 part, of Block No. 1 of Kolathur village. The said land stands registered as follows in the Town Survey Land Records under maintenance of this office.

<i>Village</i>	<i>Kolathur</i>
<i>Block No.</i>	<i>1</i>
<i>T.S.No.</i>	<i>80</i>
<i>Old S.No.</i>	<i>2/1 part</i>
<i>Classification</i>	<i>RyotwariManai</i>
<i>Extent</i>	<i>Hec.Ares.Sq.metres</i> <i>00 18 60.0</i>
<i>Adangal</i>	<i>25. Regia Begum</i>
<i>How the holding is utilized?</i>	<i>Road</i>
<i>Remarks</i>	<i>TR 09.09.2016</i>

As such the said land stands classified as "RyotwariManai" and stands registered in the name of Tmt. Regia Begum. It is pertinent to point out that the usage of the land is furnished as "Road". Hence, the 4th respondent authorities have entered upon the said land and constructed storm water drain. Though the said property is registered as a private property neither the petitioner nor his father cannot claim to be the owner of the property as they have not



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produced any document for having purchased the subject property from the Registered holder namely "Regia Begum" and it is submitted that the request of the petitioner for grant of patta for the subject property cannot be considered by the 3rd respondent for the reason that neither the petitioner nor his father has produced copies of document by which they have purchased the said property from the Registered holder "Regia Begum". Moreover, the subject property is being used as "Road" on ground and that the request of the petitioner could be considered by this office favourably only if the petitioner approaches this with copies of documents by which they have purchased the subject property from the Registered holder Tmt. Regia Begum. In the absence of documents of probative value, the petitioner's request for grant of patta cannot be considered favourably. Though the petitioner is in possession of Relinquishment deed executed by his mother in favour of himself and his brother, the said document was executed by his mother without having any holding on the subject property and the petitioner is not having any hold on the land as he has not purchased the said property from the Registered holder, and also the land classified as "Ryotwari Manai" and registered in the name of one Tmt. Regia Begum. The usage of the said land is also furnished as "Road". Though the petitioner claims that the subject property was originally owned by his father, he has not



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produced any copy of document by which his father had acquired the said property from the Registered holder Tmt. Regia Begum. Though his father was not having any hold, based on the legal heirship certificate, the petitioner's mother without having any hold on the land has executed the deed of relinquishment relinquishing her 1/3rd share in the subject property to and in favour of the petitioner and his brother.”

7.The above facts as narrated by the Tahsildar would reveal that the petitioner has filed the present writ petition with incorrect facts and made an attempt to grab the land one way or the other by obtaining an order either from the authorities or from this Court.

8.In view of the fact that, the petitioner has made an attempt to abuse judicial process of law, this Court is inclined to impose cost on the present writ petitioner.

9.Accordingly, the writ petition is declared as frivolous and stands **dismissed** with the cost of Rs.10,000/- (Rupees Ten Thousand only). The cost amount is directed to be paid to the High Court Legal Services Authority on or before 22.08.2023. Consequently, connected miscellaneous petition is



closed.

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10.Post the matter on 22.08.2023 for 'reporting compliance'.

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sha/pal

Index : Yes

Neutral Citation : Yes

Speaking order

To

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