



W.P.No.30318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.30318 of 2023

and

W.M.P.No.29905 of 2023

G.Shanmugasundaram

... Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu
Revenue Department,
St.Fort George, Chennai – 600 009.
2. The Chengalpattu District Collector,
Chengalpattu Collector Office,
G.S.T. Road,
Chengalpattu – 603 001.
3. The District Revenue Officer,
Chengalpattu District.
4. Revenue Divisional Officer,
Tambaram.
5. The Tahsildar,
Pallavaram Taluk,
Pallavaram.
6. Vivek Vasantharaj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned proceedings dated 23.08.2023 in Na.Ka.No.1554/2023/A on the file of the fourth respondent and quash the same.

For Petitioner : Mr.J.Kather Hussain

For R1 to R5 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ petition has been filed to issue a Writ of Certiorari, to call for the records of the proceedings dated 23.08.2023 in Na.Ka.No.1554/2023/A on the file of the fourth respondent and to quash the same.

2. Learned counsel appearing for the petitioner submitted that the property belonged to one E.A.Kareem was acquired by the Government of Tamil Nadu by proceedings under Urban and Land Ceiling Act, 1978, on 29.07.1997, ie., after the death of said E.A.Kareem, who died in the year 1983 itself. Aggrieved over the said acquisition proceedings, the



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legal representatives of E.A.Kareem filed a Writ Petition in W.P.No.13909 of 2010 on the file of this Court seeking to declare the proceedings initiated by the Assistant Commissioner for Urban Land Tax, Chennai as abated. This Court, vide order dated 13.09.2011, declared the proceedings initiated by the Assistant Commissioner of Urban and Ceiling Land Tax as abated, in view of Section 4 of the Repeal Act, challenging which, an appeal in W.A.No.1760 of 2013 was filed. The Hon'ble Division Bench of this Court, vide order dated 19.11.2014, dismissed the appeal filed by the Government. Since the representation seeking mutation of revenue records in tune with the order passed by the Hon'ble Division Bench was not considered, the legal heirs of E.A.Kareem filed W.P.No.27773 of 2019. This Court, by order dated 26.11.2019, directed the respondents therein, to pass appropriate order on the representation within the period of twelve weeks. Alleging non compliance of this order, the legal representatives of E.A.Kareem filed the Contempt Petition No.907 of 2020 through their power of attorney and the Government reported that the order of this Court has been complied with. Subsequently, the petitioner herein entered into an



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agreement of sale with the legal heirs of the said E.A.Kareem on 09.03.2022. While so, the sixth respondent filed a petition before the District Registrar, South Chennai, under Section 77-A of the Registration Act to cancel the petitioner's sale agreement. Based on the petition filed by the sixth respondent, the fourth respondent/ The Revenue Divisional Officer, Tambaram cancelled the patta vide order dated 23.08.2023 in Na.Ka.No.1554/2023/A. Hence, the petitioner filed this writ petition to quash the impugned order passed by the fourth respondent.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

4. The impugned order shows that several persons were in possession of the subject property. The persons who were in possession of the property have filed a civil suit regarding title and possession and the same is pending before the Subordinate Court, Chengalpat. It is a well settled proposition of law that mere agreement of sale will not



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convey the title. Even, the legal representatives of E.A.Kareem have not challenged the impugned order. The petitioner has neither proved his title nor proved his lawful possession of the property. It is seen that no title has been passed from the legal heirs of E.A.Kareem to the petitioner. Hence, the petitioner has no *locus standi* to challenge the impugned order passed by the fourth respondent and he is not entitled to get the relief as sought for by him in the writ petition.

5. Under the above facts and circumstances, this writ petition is not maintainable and same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

19.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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