



W.P.No.32703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32703 of 2023

1. G.C.PARTHASARATHY
2. M.MENAKA

... Petitioners

Vs.

1. THE DISTRICT REVENUE OFFICER,
OFFICE OF THE DISTRICT REVENUE OFFICER, OKKIYAM
THORAIPAKKAM, KANCHEEPURAM DISTRICT.

2. THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE DISTRICT REVENUE OFFICER, OKKIYAM
THORAIPAKKAM, KANCHEEPURAM DISTRICT.

3. THE TAHSILDAR
SHOLINGANALLUR TALUK, CHENNAI.

4. SUCHITHA CHANDRASEKAR
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the patta in No.3305 comprised in Survey No.406/2A3C2 and Survey No.406/2A3D which was wrongly issued in the name of the 4th respondent, in the light of the Revenue Divisional Officer order dated



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22.02.2017 which was confirmed by the District Revenue Officer on 21.12.2017 and consequently direct the respondents 1 to 3 to issue the patta to the petitioners land in Survey No.406/2A3 within stipulated period fixed by this Honourable Court.

For Petitioners : Ms.R.Pavithra
for M/s Sri Balaji Law Associates

For Respondents : Mr.P.Gurunathan
Addl. Government Pleader for RR1 – 3

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 to cancel the Patta in No.3305, comprised in Survey No.406/2A3C2 and Survey No.406/2A3D, which was wrongly issued in the name of the 4th respondent and consequently, direct the respondents 1 to 3 to re-issue the Patta to the petitioners' land comprised in Survey No.406/2A3, within a time frame.

2.By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3.Mr.P.Gurunathan, learned Additional Government Pleader takes notice for the respondents 1 to 3.

4.The learned counsel for the petitioners submitted that the 1st petitioner had purchased Plots C and D, measuring an extent of 1760 sq.ft., from Thulukanam Ammal and Kandhan by way of registered sale deed dated 24.04.2000. The 2nd petitioner also purchased Plots E and F, measuring an extent of 1760 sq.ft., from the same vendors through a registered sale deed dated 24.02.2000. The Plots C, D, E and F are comprised in Survey No.406/2A3, situated at No.135, Okkiyam Thoraipakkam Village, Sholinganallur Taluk, in Patta No.1480.

5.While so, the 4th respondent also purchased two Plots, measuring an extent of 7.89 cents, under the sale deed dated 26.04.2001 in Survey No.406/2A1B, situated in the same Village. After the purchase of the above said lands, the 4th respondent applied for Patta from the Revenue Authorities. Instead of granting Patta to the 4th respondent in respect of



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the land comprised in Survey No.406/2A1B, the Revenue Authorities, by mistake, granted Patta to the 4th respondent, for the lands purchased by the petitioners in Survey No.406/2A3. However, on the strength of the above said Patta, the 4th respondent illegally encroached the adjacent plots of the petitioners as well as the property belonging to one Kannan.

6. Aggrieved by the encroachment of 4th respondent, the petitioners have filed a Civil Suit in O.S.No.483 of 2013 before the District Munsif Court, Alandur, for permanent injunction. However, based on the Memo dated 02.11.2016, which was not signed by the plaintiffs' advocate, the said suit was dismissed as not pressed on 08.12.2016. The Advocate, who signed the said Memo was neither appointed by the plaintiffs, nor appointed by the Counsel on record. Hence, the petitioners, with no other alternative remedy have filed the present Writ Petition.

7. Heard the learned counsel on either side and perused the materials available on record.



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8.On a perusal of the records, it is seen that the petitioners have filed a suit in O.S.No.483 of 2013 and the same was dismissed as not pressed. However, till date, the petitioners have not taken any further steps to file an application before the Court below, to set aside the decree. Without doing so, they directly filed this Writ Petition seeking the aforesaid relief. They can very well redress their grievance before the Court below, by filing an application, to set aside the decree.

9.In such view of the matter, this Writ Petition is dismissed. However, the petitioners are at liberty to work out their remedy in the manner known to law. No costs. The W.M.P.No.32314 of 2023 stands ordered on payment of separate court fee by each of the petitioner.

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Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No

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1. THE DISTRICT REVENUE OFFICER,

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OFFICE OF THE DISTRICT REVENUE OFFICER, OKKIYAM
THORAIPAKKAM, KANCHEEPURAM DISTRICT.

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