



W.P.No.2119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 2119 of 2024

and

W.M.P.Nos.2266 and 2267 of 2024

A.K.Nasar

... Petitioner

versus

1. The Secretary,
Govt. 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

Pg.Nos.1/8



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Writ Petition filed under Article 226 of Constitution of India, praying 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 Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 and R5

Mr.P.J.Rishikesh for R6

ORDER

This writ petition has been filed to quash the impugned proceedings dated 23.08.2023 in Na.Ka.No.1554/2023/A on the file of the fourth respondent.

2. The case of the petitioner is that his father E.A.Kareem is the absolute owner of the subject properties in Paimash No.413/2, New S.No.342/4, measuring an extent of 0.39 acres and New S.No.342/4 Part as per Patta S.No.342/4-B, measuring an extent of 0.39 acres, totally 78 cents at Keelkattalai Village, Tambaram Taluk, Chengalpattu District, in which,



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65 cents were acquired by the Government of Tamil Nadu, under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 Urban and Land Ceiling Act, 1978, on 29.07.1997 i.e. after the death of the said E.A.Kareem, who died in the year 1983. Aggrieved by the said acquisition proceedings, the legal representatives of E.A.Kareem filed a writ petition in W.P.No.13909 of 2010 before this Court, through their Power of Attorney P.Raju. This Court, by order dated 13.09.2011 declared the proceedings initiated by the Assistant Commissioner for Urban Land Tax, Chennai as abated, in view of Section 4 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 20 of 1999. Aggrieved by the same, the Government have preferred an appeal in W.A.No.1760 of 2013, which was also dismissed by this Court on 19.11.2014. Since the representation seeking mutation of Revenue Records in tune with the order passed by the Hon'ble Division Bench of this Court, was not considered, the legal heirs of E.A.Kareem filed a writ petition in W.P.No.27773 of 2019 and this Court, by an order dated 26.11.2019, directed the respondents therein to pass appropriate orders on the representation, within a period of twelve weeks. Alleging non-compliance of the order, the legal heirs of E.A.Kareem filed



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Contempt Petition No.907 of 2010, through their Power of Attorney and the same was closed, as the Government reported that said order of this Court has been complied with. Subsequently, the subject properties were re-conveyed to the legal heirs of E.A.Kareem in the year 2021 and thereby, the petitioner herein obtained a release deed in his favour from the remaining seven legal heirs of E.A.Karrem. While that being so, the petitioner herein entered into an agreement of sale with one Shanmugasundaram in respect of the subject properties. However, the sixth respondent herein filed a petition before the District Registrar, South Chennai under Section 77-A of the Registration Act, 1908 to the cancel the said sale agreement. In addition to that, the sixth respondent has submitted a complaint to the fourth respondent, seeking to cancel Patta in the name of the petitioner's family. While so, the fourth respondent/Revenue Divisional Officer, Tambaram, cancelled the Patta that stood in the name of the petitioner's family. As against the said order, the petitioner preferred an appeal before respondents 2 and 3. The further case of the petitioner is that earlier, one Shanmugasundaram, filed a writ petition in W.P.No.30318 of 2023 challenging the very same impugned order dated 23.08.2023, and this Court



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dismissed the writ petition on 19.10.2023 as the said Shanmugasundaram has no *locus standi* to file the said writ petition. Therefore, the petitioner being the owner of the property is having absolute *locus standi* to file the present writ petition for the relief stated supra.

4. Heard both sides and perused the materials available on record.

5. It is seen that the sixth respondent herein has given a representation to the fifth respondent on 31.05.2023, seeking to cancel the Patta in the name of the petitioner's family in respect of the subject properties. After enquiry, the fourth respondent passed an order on 07.07.2023 directing the fifth respondent to cancel the Patta that stood in the name of the petitioner's family and restore the Patta in the name of the sixth respondent's mother. Challenging the same, the petitioner, through his Power of Attorney, one Raju preferred an appeal before the third respondent. During the pendency of the appeal, the fourth respondent/RDO sent a report to the third respondent/DRO on 23.08.2023. Subsequently, the third respondent has passed final order on 14.02.2024. However, the petitioner, without



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challenging the order passed by the third respondent dated 14.02.2024, has challenged the internal report between the third respondent and the fourth respondent dated 23.08.2023. The petitioner is at liberty to approach the Competent Forum, if at all he is aggrieved with the order of the third respondent dated 14.02.2024.

6. With the above liberty, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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P.VELMURUGAN, J.

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