



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2877 of 2024 and
W.M.P. No.3118 of 2024

S.Sivaanand

... Petitioner

Vs.

1. The District Revenue Officer
Rajaji Salai, Fourth Floor
62, Beach Road, George Town
Chennai - 600 001

2. District Collector
Rajaji Salai, Fourth Floor
62, Beach Road, George Town
Chennai - 600 001

3. Revenue Divisional Officer
Mambalam Taluk, Chennai District
No.5-73, SH 112, Gandhi Nagar
Anna Nagar West Extension,
Chennai - 600040

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the order 28.09.2023 bearing No.J5(J8)/e-137335/2022 passed by the 1st and 2nd respondents and to direct the 3rd respondent to restore the Patta in the name of the legal heirs of the petitioner's parents namely Late.Sundaramahalingam and Mrs.Vasantha and take appropriate actions.



For Petitioner : Mr.Kaushik N.Sharma
for KNS Law Chambers

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to quash the order 28.09.2023 bearing No.J5(J8)/e-137335/2022 passed by the first and second respondents and to direct the third respondent to restore the Patta in the name of the legal heirs of the petitioner's parents namely Late Sundaramahalingam and Mrs.Vasantham and take appropriate actions.

2. The case of the petitioner is that the petitioner's parents namely Late.Sundaramahalingam and Mrs.S.Vasantham had purchased the property in Door No.49, New No.171/A, Arcot Road, Virugambakkam, Chennai - 600 092, measuring an extent of 1 Acre and 30 Cents comprised in Old Survey No.219/8B, T.S.No.47, Block No.36, Virugambakkam Village, Mambalam Taluk, Chennai from one A.Saraswathi and 5 others vide sale deed dated 09.03.2006 registered as document No.1662/2006 on the file of the SRO, Virugambakkam and that the Town Survey Land Register Extract



(TSLR)/Patta dated 9.07.2003 bearing C.A.No.328/06/07 was issued in the name of the petitioner's parents and from the date of purchase, they have been in possession and enjoyment of the said property for more than 15 years. The petitioner's father died intestate and thereafter, the property devolved on to his legal heirs. On 21.08.2022, when the petitioner had obtained the online TSLR Extract/Patta for the said property, he found that the TSLR extract has been fraudulently mutated in the name of a dead person (third party), namely Gulobdoss Narayandoss, following which, the petitioner had sent a representation dated 23.08.2022 to the District Collector/2nd respondent herein to cancel the TSLR Extract/Patta issued in the name of the third party and to restore the same in the name of the present owners and the legal heirs of the petitioner's father. Since, no action was taken, the petitioner filed a writ petition in W.P.No.25521 of 2022 and this Court by order dated 23.08.2022, directed the respondents to consider the said representation. However, no action was taken within the time stipulated by this Court. Hence, the petitioner filed a contempt petition following which, the respondents summoned the petitioner fixing a date for enquiring the said dispute. The petitioner submitted reply to the enquiry summons in a detailed manner, clearly establishing the valid title held by the parents of the petitioner.



However, the first respondent herein passed the impugned order recommending the Directorate of Survey and Settlement to block the online TSLR/Patta until the ownership is being determined by the Court of law. Challenging the same, the present Writ Petition is filed.

3. The contention of the learned counsel for the petitioner is that the petitioner's parents' vendor's predecessor had got the title and they had also obtained decree in their favour. Though the petitioner produced the relevant documents, since third parties made objections, the District Registrar, without considering the same, passed the impugned order, directing the parties to seek remedy before the Civil Court.

4. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

5. It is seen from the records that third party interest was created in several documents, which is also under challenge. The father of the petitioner has preferred a suit in C.S.No.333/2011 in respect of the said property wherein, someone had fraudulently registered a deed, which is now



transferred to the City Civil Court and re-numbered as O.S.No.5468 of 2019 on the file of the 14th Additional City Civil Court, Chennai and the same is still pending. One Shri Nainar Balaji has filed a case in W.P. (MD) No.19879/2023 before the Madurai Bench of this Court seeking to cancel all the sale deeds in respect of the said property and the same is also still pending. Further, one Muralidharsha alleged to be the legal heir of the said Gulobdoss Narayandoss has preferred a complaint dated 16.08.2023 before the Inspector of Registration seeking to cancel forged documents involved in the said property. In this regard, enquiry under Section 77A of the Registration Act is also pending.

6. It is to be noted that due to the divergent views taken by the learned Single Judges of this Court regarding the enquiry under Section 77A of the Registration Act, one of the Benches of this Court has stayed the enquiry under Section 77A of the Registration Act. Further, there is a reference before the Larger Bench of this Court to settle the issue and the same is pending. Since, already there is a stay regarding enquiry under section 77A of the Registration Act, the registering authorities could not proceed with the same.



7. In the impugned order, it is clearly stated that the petitioner is not the original owner of the property in question and he is only a subsequent purchaser and third party interest is also created and enquiry is pending with the Registration Department. Some of the parties have also approached the Madurai Bench of this Court as stated above. Since there are rival claimants and title dispute is involved in the said property, the parties have been advised to approach the Civil Court.

8. Since the dispute is regarding title, neither the Revenue authorities nor the Writ Court can decide the same. The Writ Court cannot conduct a rowing enquiry. However, the petitioner is at liberty to work out his remedy before the Civil Court.

9. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

08.02.2024

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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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