



W.P.No.9963 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.9963 of 2024

Masseys Enterprises Private Ltd.,
Rep. By its Director,
No.17, North Railway Terminus Road,
Royapuram, Chennai.

... Petitioner

Vs.

1.The District Collector,
Chennai District.

2.The District Revenue Officer,
Chennai District.
No.62, Singaravelar Maligai,
Rajaji Salai, Chennai.

3.The Tahsildar,
Tondiarpet Taluk,
Chennai District.

4.The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,



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Nungambakkam, Chennai.

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5. Chennai Sri Kalikambal Kamateeswar Devasthanam,
Rep.by its Trustee,
212, Thambu Chetty Street,
Chennai.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents 1 to 4 to unblock the patta in the petitioner's land in R.S.No.95/4, North Railway Terminus Road, Royapuram, Chennai measuring an extent of 37 grounds 1081 sq.ft in Patta No.1028/1983 issued by the 3rd respondent as early as in the year 1983.

For Petitioner : Mrs..N.Kavitha Rameshwar

For R1 to R3 : Mr.LSM.Henan Fizal
Additional Government Pleader

For R5 : Mr.S.Wilson Topaz
for M/s.AS.Kailasam & Associates

For R4 : NDR.Arun Natarajan
Special Government Pleader HR&CE

ORDER

This Writ Petition is filed seeking for direction to the respondents 1 to 4 to unblock the patta in the petitioner's land in



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R.S.No.95/4, North Railway Terminus Road, Royapuram, Chennai measuring an extent of 37 grounds 1081 sq.ft in Patta No.1028/1983 issued by the 3rd respondent as early as in the year 1983.

2. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property situated in 4B & 4C (New No.7), North Railway Terminus Road and 148 (New No.93-A) Mannar Swamy Koil Street, Royapuram, Chennai comprised in R.S.No.95/4 measuring an extent of 37 grounds 1081 sq.ft and the same was register as Doc.No.1700 of 1983 in the office of the SRO Royapuram, North Chennai and the said sale deed was executed by the IX Assistant Judge, City Civil Court, Chennai.

3. It is further submitted that on verification, the petitioner found that the property in TS.No.95/4 is blocked pursuant to DOSS Letter RC NO.K8/14889/2021 dated 09.08.2021. The fifth respondent filed a suit in CS.No.19 of 1985 before this Court, which was renumbered as OS.No.12804 of 1996 and the same is pending before the City Civil Court, Chennai, in which the petitioner has been arrayed as the second defendant. The suit was filed seeking redemption of the usufructuary



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mortgage dated 21.12.1892 by the plaintiffs in favour of the 1st defendant and a direction to either of the defendants to receive the Mortgage money of Rs.3,600/- and for direction to deliver the possession of the suit properties and the original title deeds of the plaintiffs or in alternative direct the second defendant to deliver the possession of the suit properties to the plaintiffs. It is further submitted that the action of the authorities in blocking the patta of the petitioner is a unilateral action without following the principles of natural justice and since the 5th respondent has initiated litigation on the said lands in the absence of any interim order, it is not open to the revenue authorities to block the patta of the petitioner in respect of the lands in TS.No.95/4.

4. It is not in dispute that a civil suit is pending as on date and the petitioner herein is also arrayed as a defendant therein. This Court exercising jurisdiction under Article 226 of Constitution of India cannot declare or determine the ownership of the property. The said aspect has to be considered by the Trial Court based on evidence.

5. In view of the pendency of the Civil Suit, the petitioner is not entitled to create any encumbrance over the subject property and similarly



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the revenue officials are also not entitled to mutate the revenue records.

This Court, therefore, directs the petitioner not to create any encumbrance over the suit property and revenue officials are also directed not to mutate the revenue records. It is for the petitioner and fifth respondent to work out their rights before the Civil Court in the manner known to law. They can seek any other the interim relief as sought in the Writ Petition also before the Civil Court.

6. With the above directions, this Writ Petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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To

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