



WEB COPY



WP.No.11542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11542 of 202

T.Shanthi

.. Petitioner

Versus

1. The District Revenue Officer,
Chennai District, Chennai District Collectorate,
Singaravelar Maaligai, 62 Rajaji Salai, Chennai – 600 001.
2. The Revenue Divisional Officer,
Chennai Central Revenue Division,
Anna Nagar West Extension, Chennai – 600 101.
3. The Tahsildar, Egmore Taluk, Egmore Taluk,
No.88, Mayor Ramanathan Salai,
Chetpet, Chennai – 600 031.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 11.03.2024 in RC. No J3/16980/2023 on the file of the first Respondent and to quash the same and also to direct the third respondent to issue appropriate revenue patta in the name of the petitioner for the total extent of 3815 Sq.ft which includes an extent of 840 Sq. ft reserved for widening of Mandapam Road in Old R.S. No.77 / 2 part T.S. No 77/53 and T.S. No 77 / 109 of Block No 6 Egmore Village, Chennai

Distric within a time fixed by this Court.



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For Petitioner : Ms.G.Narmadha

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order dated 11.03.2024 in RC. No J3/16980/2023 on the file of the first respondent and to direct the third respondent to issue appropriate revenue patta in the name of the petitioner for the total extent of 3815 Sq.ft which includes an extent of 840 Sq. ft reserved for widening of Mandapam Road in Old R.S. No.77 / 2 part T.S. No 77/53 and T.S. No 77 / 109 of Block No 6 Egmore Village, Chennai District within a time fixed by this Court.

2. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. It is the case of the writ petitioner that originally the petitioner's predecessor in title one K.V.Kasturi Rangan and his wife Vijayalakshmi owned the property bearing old No.11A and New No.13 ,



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Mandapam Road, Kilpauk, Chennai – 10, comprised in R.S.No.77/2 and

T.S.No.77/53 measuring 2 grounds 440 sq.ft. together with the right, title

and interest on the strip of land measuring 1500 sq.ft. reserved for widening

of Mandapam Road the total extent being 6740 sq.ft. When they applied for

patta, the then Tahsildar issued patta to an extent of 1 ground 2307 sq.ft.

[4707 sq.ft.] only excluding the portion reserved for common passage and

widening of Road, totally measuring 2033 sq.ft. Therefore, they filed an

appeal before the District Collector, who allowed the appeal vide Order

dated 24.05.1977 setting aside the Order of the Tahsildar and directing him to

issue patta for the extent including the land reserved for widening the

Mandapam Road. In the said Order, the Collector also directed the Tahildar

to deal similarly with other petition, if any, for issuance of patta for the

portion stated to have been marked for widening the Mandapam Road. The

Tahsildar has entered the names of the said Kasturi Rangan and

Vijayalakshmi in the Permanent Land Register dated 31.05.1978 and

confirmed that they are the owners to an extent of 2 grounds 1247 sq.ft.

[6047 sq.ft.], which includes the portion of the land [1340 sq.ft.] reserved

for future widening of the Mandapam Road. Thereafter, the said property

was divided into three portions and father of the petitioner purchased a

piece of land to an extent of 1895 sq.ft. which includes 420 sq.ft. reserved



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for widening of the road and her mother purchased another piece of land to an extent of 1920 sq.ft. which includes 420 sq.ft. reserved for widening of the road from the same owners and totally the petitioner's parents purchased to an extent of 1 ground 1415 sq.ft. [3815] sq.ft. which includes 840 sq.ft. reserved for widening of Mandapam Road in future. The Third portion was purchased by one Blasaraswathi and subsequently it was purchased by one Saraladevi Surana, who is in occupation now to an extent of 1725 sq.ft. plus 500 sq.ft. reserved for widening of the road.

4. The further case of the petitioner is that her parents were also granted patta to an extent of 1 ground 582 sq.ft. and they settled the property in favour of the petitioner under the Memorandum of Family Arrangement dated 03.03.2006. Thereafter, the petitioner has made an application for issuance of patta in her favour and as the third respondent has not taken any action, he filed a Writ Petition in W.P.No.17392 of 2012 and even after the Order of this Court on 12.08.2021, the third respondent has not disposed the appeal and only after filing of contempt petition, the third respondent disposed of the appeal rejecting the claim of the petition. Aggrieved over the said Order, the petitioner filed an appeal before the second respondent. As the second respondent has not disposed of the



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appeal, the petitioner filed a Writ Petition in W.P.No.28739 of 2022 and the second respondent also disposed of the appeal only after filing of contempt petition by the petitioner. The second respondent without considering the documents submitted by the petitioner has dismissed the appeal. As against which the petitioner filed an appeal before the first respondent and the first respondent also rejected the appeal in the same fashion. Challenging the same, the present Writ Petition has been filed.

5. Counter has been filed by the first respondent. It is his contention that the schedule of property mentioned in document in 132/1972 shows that western boundary of the said property was measuring only 71 feet and 9 inches and the Eastern boundary of the property was furnished as 68 feet. These linear measurements are tallying with the patta already granted in favour of the petitioner's predecessors. Besides this, an extent of 8 feet x 68 feet lying on the Eastern side of the said Plot No.9-B is left with a passage for approach to the land owners of S.Nos.77/53, 77/48, 77/47 and 77/54. According to them, property measuring 1500 sq.ft. has been earmarked for widening of Mandapam Road. Out of this land, petitioner's father namely Desappan had alleged to have purchased an extent 1495 sq.ft. and her mother G.Mangamma had alleged to have purchased an



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extent of 1500 sq.ft. vide sale deed dated 27.09.2001. It is therefore, their contention that the petitioner's parents had purchased only for an extent of 2982 sq.ft. and patta has also been issued based on the documents submitted by them. Therefore, in respect of the remaining area, as there is no title, the petitioner's claim for issuance of patta has been rejected.

6. The learned counsel appearing for the petitioner would submit that if the land reserved has not been acquired within three years of notification, then the entire proceedings becomes lapsed under Section 38 of the Tamilnadu Town and Country Planning Act, 1971. Even in the year 1978 itself, when the appeal has been filed before the Collector, Orders have been passed directing the Tahsildar to issue patta for the entire area. Even after complying the said Order for similarly situated persons, now the impugned Order has been passed and the same cannot be sustained in the eye of law. According to them, the Revenue Standing Order 37 [7] makes it clear that when a person is continuously in possession of a property for more than 12 years, they are entitled to patta.

7. Whereas, it is the contention of the learned Special Government Pleader that as per the documents of the petitioner she is



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entitled to patta 2975 sq.ft. and for the remaining area patta cannot be granted. Since, the petitioner is claiming right on the basis of the Memorandum of Family Arrangement, the petitioner is not entitled to patta for the entire area.

8. I have perused the materials available on record. The fact that the predecessor in title has been granted patta for the entire extent is not in dispute and the Collector of Madras by his proceedings dated 24.05.1978 in R.C.No.A8/32115/78 has directed the Tahsildar to issue patta for the entire area to the petitioner's predecessor in title. There was a further direction to the Tahsildar to deal with the other similarly situated persons for issuance of patta including the portion said to have been marked for widening of the road. Thereafter, the petitioner had purchased to an extent of 2975 sq.ft. and the remaining portion to an extent of 840 sq.ft. which has been earmarked for widening of the road has also been in her possession. Therefore, when the predecessor in title was in continuous possession and enjoyment of the property, thereafter, it came to the possession of the petitioner, this Court is of the view that when the possession is not disputed and patta has been rejected mainly on the ground that the title deed has not been produced in respect of 840 sq.ft., the same cannot be sustained in the eye of law,



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particularly in view of the Revenue Standing Orders 37 [7] which reads as

follows :

31. Rules for the transfer of Registry of Holdings:

7. Transfer in favour of persons providing possession for twelve years.-

When parties have no documents of title are shown in a summary inquiry to have been in possession as reputed owners for twelve years or more, transfer of registry may be made after notice, etc., as provided in rule 3(i). The action contemplated in this paragraph may be taken by the **revenue** officers either on their own motion or on the application presented by the parties concerned.

In such view of the matter, as the possession is not disputed the impugned Order rejecting issuance of patta to the petitioner for 840 sq.ft. alone has to be set aside.

9. Accordingly, the impugned Order dated 11.03.2024 of the first respondent is quashed the third respondent is directed to issue patta in the name of the petitioner for the total extent of 3815 sq.ft. which includes an



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extent of 840 sq.ft. reserved for widening of Mandapam Road within a

period of two months from the date of receipt of a copy of this Order. No

costs.

26.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

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Chennai District, Chennai District Collectorate,
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N. SATHISH KUMAR, J.

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