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W.P.No.14375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01..07..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.14375 of 2023

D.Bhuvanesswari

..... Petitioner

-Versus-

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West, Chennai – 40.

3.The Special Tahsildhar,
Natham Land Tax Scheme,
Maduravoyal Taluka, Ambattur,
Chennai.

4.Somanathan

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to issue appropriate directions to the 3rd respondent to cancel the Patta No.497 issued in favour of the 4th respondent on the basis of letter of the 3rd respondent in Na.Ka.No.1270/2018/A1 dated 02.06.2018 within a time frame to be fixed by this Court.



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For Petitioner(s) : Mr.K.A.Mariappan

*For Respondent (s) : Mr.P.Sathish,
Additional Government
Pleader for R1 to R3
Mr.D.Suryanarayanan for R4*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 3rd respondent to cancel the Patta No.497 issued in favour of the 4th respondent on the basis of letter of the 3rd respondent in Na.Ka.No.1270/2018/A1 dated 02.06.2018 within a time frame to be fixed by this court.

2. The case of the petitioner is that he is the absolute owner of the property bearing Plot NO.23, Gangai Ammal Koil Street, Ambal Nagar, Chennai 600089 comprised in S.No.261/207 (Old S.No.199/2A) having purchased the same from his predecessor in title by way of a registered sale deed in 2006.

3. While so, the 4th respondent obtained patta by producing fraudulent documents. The grievance of the petitioner is that though she made a representation seeking to cancel the patta issued in favour of the 4th respondent, no action was forthcoming. Hence, this writ petition.



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4. Heard both sides.

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5. The records made available to the court would indicate that there was a suit filed by the 4th respondent in O.S.No.477 of 2016 on the file of the District Munsif, Poonamallee, for permanent injunction against the petitioner restraining her from disturbing his peaceful possession and enjoyment of the subject property.

6. The counter affidavit filed by the 4th respondent would also indicate that the suit filed by the respondent was decreed on 12.04.2023 and as against the judgement and decree, the petitioner preferred an appeal in A.S.No.31 of 2023 on the file of the Sub Court, Poonamallee.

7. When the appeal suit is pending between the parties, in the considered view of this court, at this stage, the question of cancelling the patta would not arise. Let the appellate court decide the rights of the parties based on the evidence both oral and documentary adduced before the trial court. It is however made clear that patta proceedings shall not be a sole criteria for deriving the right and title of the parties. The learned Subordinate Judge, Poonamallee will decide the appeal suit in A.S.No.31 of 2023 on its own merits and pass appropriate judgement. In the event the petitioner herein succeeds in the appeal suit, she can very well make an application to the authority



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concerned seeking to cancel the patta issued in favour of the 4th respondent and in that event the revenue authority concerned shall proceed further in accordance with law on the basis of the civil court decree.

8. In the light of the above discussion, no positive directions as prayed for in the writ petition could be granted. The writ petition fails and the same is liable to be dismissed.

This writ petition is dismissed with the above observations. No costs.

Index : yes / no
Neutral Citation : yes / no
kmk

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To

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