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WP.No.15263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **14.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15263 of 2024

R.Bharati

.. Petitioner

Versus

1. The District Collector,
Kancheepuram District, Kancheepuram – 631 501.
2. The District Revenue Officer,
Collectorate Office, Kancheepuram District – 631 501.
3. The Revenue Divisional Officer,
Sriperumbudur and Post, Kancheepuram District – 602 105.
4. The Tahsildar, Kundrathur Taluk,
Kancheepuram District – 600 069.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to issue patta in respect of 3000 sq feet of land in survey No 23/1 (New No 23) Athanacheri village Kundrathur Taluk (formerly Sriperumbudur Taluk) Kancheepuram District based on the report of the 3rd respondent given in Na.Ka 1728 / 2014 / A2 dated 18.06.2014 and the report of the first respondent given in na.Ka. 14985 / 2014 / B2 dated 08.03.2016 as well as the judgment of this Honourable Court made in WP No 9333 of 1997 dated 19.12.1997 reported in 1998 - (3) - LW 603 to the petitioner forthwith.



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For Petitioner : Mr.P.Ebenezer Paul
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the third respondent to issue patta in respect of 3000 sq feet of land in survey No 23/1 (New No 23) Athanacheri village Kundrathur Taluk, Kancheepuram District based on the report of the 3rd respondent given in Na.Ka 1728 / 2014 / A2 dated 18.06.2014 and the report of the first respondent given in na.Ka. 14985 / 2014 / B2 dated 08.03.2016 as well as the judgment of this Honourable Court made in WP No. 9333 of 1997 dated 19.12.1997 reported in 1998 - (3) - LW 603 to the petitioner forthwith.

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

4. It is the case of the petitioner that he has purchased the subject property under two sale deeds dated 20.02.2004 and 05.09.2005 to a total extent of 15300 sq.ft. and after settling a portion of the property in favour of



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his family members, he has retained to an extent of 3000 sq.ft. in his name.

According to him, the title in respect of the property has already been decided by this Court in the Writ Petition in W.P.No.9333 of 1997 wherein this Court has clearly held that the land never vested with the Government at any point of time and that the respondents have no right to interfere with the peaceful possession and enjoyment of the petitioner. When a matter has already reached finality, the authorities have no right to interfere with the possession and enjoyment of the property. In this regard the petitioner has already sent a representation to the respondents on 19.12.1997 and a reminder on 20.05.2024. However, no action has been taken by the respondents. Hence, the present Writ petition has been filed.

5. The learned Special Government Pleader appearing for respondents submitted that they will consider the representation and pass Orders on merits.

6. Considering the limited relief sought for by the petitioner, the third respondent is directed to consider the representation of the petitioner dated 20.05.2024 and pass Orders on the same in the light of the judgment of this Court in W.P.No.9333 of 1997 within a period of the three months from the date of receipt of a copy of this Court after giving opportunity to the petitioner and all other parties concerned.



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7. With the above direction, this writ petition is disposed of. No costs.

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vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

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N. SATHISH KUMAR, J.

VTC

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