



W.P.No.22150 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 22150 of 2024

S.Packiaraj

...Petitioner

Vs.

1.The District Collector
Chennai District, Singaravelar Maaligai,
Chennai-1.

2.The Revenue Divisional Officer
Chennai Central District,
Park Road,
Chennai- 101.

3.The Tahsildar
Aminjikai Taluk,
Shenoy Nagar,
Chennai-30.

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the record of 2nd respondent proceeding in A5 / 446/ 2024 dated 05.07.2024 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st and 2nd respondents to issue computer patta in the name of the petitioner's daughters Dr.S.P.Selvajothi Ranjitham and Er.S.P.Jeyapriyam Vadha in Villivakkam village Old Survey No.131/2 part, subdivided as 131/ 2 A 1 A 2 block No.43, T.S. No.80 measuring 2980 sq.feet of land.

For Petitioner : Ms.R.Poornima

For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER

The above Writ Petition is filed for the following reliefs:

“To call for the record of 2nd respondent proceeding in A5 / 446/ 2024 dated 05.07.2024 and quash the same as illegal, incompetent and without jurisdiction and further



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direct the 1st and 2nd respondents to issue computer patta in the name of the petitioner's daughters Dr.S.P.Selvajothi Ranjitham and Er.S.P.Jeyapriyam Vadha pursuant to the settlement deed dated 06.01.2016, in Villivakkam Village Old Survey No.131/2 part subdivided as 131/ 2 A 1 A 2 block No.43, T.S. No.80 measuring 2980 sq.feet of land”

2. The petitioner had purchased 6 cents from one Nagoor, through his power agent on 14.05.1981. The revenue records were mutated in his favour. Thereafter, there was a dispute between him and the owner of the property to the west of the petitioner's property, which result in filing of O.S.No1311 of 1981, on the file of the District Munsif Court, Poonamallee. The contention of Kulasekaran, the defendant therein is that he had purchased 10 cents from the very same owner, Nagoor through another power agent in the year 1969. Ultimately, the Civil Revision Petition was filed by the petitioner against the said Kulasekaran, where the parties compromised their dispute.



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3. Thereafter, the said Kulasekaran enjoyed 3000 sq.ft., on the western side and the petitioner was in enjoyment of 2980 sq.ft in the eastern side. Thereafter, the petitioner had executed a settlement deed in favour of his daughters and the same was registered before the Sub Registrar, Villivakkam. In the year 2013 – 2014, the Perambur – Purasawalkam Taluk got bifurcated into Aminjikarai and Ayanavaram Taluks. Since the records were not transferred, his daughters could not apply for separate patta.

4. On 07.09.2020, the petitioner's daughter had applied for patta before the 3rd respondent based on the settlement deed dated 06.01.2016. The surveyor who measured the property informed the 3rd respondent that the computer patta stood in the name of Kulasekaran, which included the petitioner's property. It was then the petitioner came to know that for Block No.43, T.S.80, which belongs to the petitioner, the patta stood in the name of Kulasekaran.



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5. The petitioner therefore submitted a representation dated 27.12.2022 to the 3rd respondent to cancel the patta issued to Kulasekaran and issue patta in the name of the petitioner or in the names of his daughters. The petitioner would submit that no steps were taken to pass orders. Thereafter, the 2nd respondent had issued notice calling for a personal enquiry on 29.02.2024. The petitioner attended the said enquiry. However, no orders were passed. Therefore, the petitioner had filed W.P.No.9975 of 2024 and this Court was pleased to pass orders dated 25.03.2024 stating that *after issuing notice the petitioner, 4th respondent and any other legal heirs of the deceased S.N.Kulasekaran, conduct enquiry in the manner known to law and pass orders on merits.*

6. The petitioner would submit that since no orders were passed, he issued contempt notice. Thereafter, all of a sudden the impugned order came to be passed. The petitioner would submit that during



enquiry the power agent of the said Kulasekaran's legal heir appeared before the 2nd respondent and gave no objection to the patta being granted to the petitioner. Despite which the 2nd respondent had proceeded to reject the petitioner's request for granting patta. Therefore, the petitioner is before this Court.

7. A perusal of the impugned order clearly shows that under compromise memo the property in T.S.No.80 measuring 1480 sq.ft., had been released by the said Kulasekaran in favour of the petitioner as a result, the entire property in T.S.No.80 fell to the share of the property.

8. The 2nd respondent has also recorded the fact that the legal heirs of the said Kulasekaran had no objection to the patta being granted to the petitioner herein. However, after recording the same, the 2nd respondent has removed the name of the Kulasekaran from the patta and restored the patta in the name of his predecessor in title, one Thirunavukarasu.



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9. Despite the compromise decree and the no objection given by the power of attorney of the legal heirs of the said Kulasekaran, the 2nd respondent has proceeded to pass such orders. The same cannot be sustained and is liable to be quashed as it smacks of malafides and an order passed as a retaliation to the petitioner issuing a contempt notice and is therefore a biased order.

10. The Writ Petition is allowed. The impugned order is quashed. The 2nd respondent is directed to restore the patta in the name of the petitioner, within a period of 2 weeks, from the date of receipt of a copy of this order. No costs.

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Index : Yes/No
Internet : Yes/No
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