



WEB COPY



W.P. No. 27046 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.27046 of 2024

1.S.Valarmathi

2. P.Arumaikumar

3. P.Sudharsanam

4.Mrs Suganthi

..Petitioners

Vs.

1. The District Collector

Chennai District Collector Office,

62, Rajaji Salai

Chennai-600 001.

2. The Special Tahsildar

Land and Development Authority,

Greater Chennai Corporation Ripon Building,

Chennai-600 003.

3. The Tahsildar

Taluk Office Purasawalkam

Periyamet,

Chennai-600 003.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondent to



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issue patta in name of the petitioners land belonging to the corporation of madras being municipal old survey No 74/1, 76/1 on eastern Fire Wood Department lane (Now known as Jakkatapuram) Waltax Road, Elephant gate, Vepery, Madras within of registration north district, of west Madras Registration District of Madras periamet bearing old survey No 678, Resurvey No 1275/1, as per proceedings Na.Ka. No A1 / 483 / 2024 dated 28.06.2024 by the 3rd respondent.

For Petitioners

:M/S.R.Thangamani

For Respondents 1 &3

: Mr.P.Sathish

Additional Government pleader

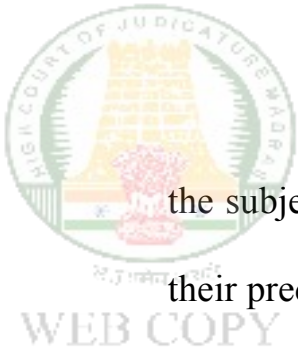
Mr.G.T.Subramanian

Standing Counsel(GCC) for R2

ORDER

The petitioners herein seek a direction to respondents 2 and 3 to issue patta in their names in respect of land belonging to the Corporation of Chennai situated in Old Survey No. 74/1, 76/1, New Survey No. 1275/1 as per the proceedings of the 3rd respondent in Na.Ka.No A1/ 48/ 2024 dated 28.06.2024.

2. According to the petitioners, their mother Kanniyammal purchased



the subject property under sale deed dated 08.03.1935 and the petitioners and their predecessor in interest have been in possession and enjoyment of the said property from the year 1935. The petitioners submitted a representation before the 3rd respondent seeking issue of patta in their names in respect of subject property. The 3rd respondent passed an order on 28.06.2024 rejecting the request of the petitioners. Therefore, the petitioners have come by way of this writ petition seeking direction to respondents 2 and 3 to issue patta in their names.

3. A perusal of the title document of the petitioners dated 08.03.1935 would indicate that even in title document, the subject property was described as land belonging to the Corporation. Therefore, it is clear that site of the subject property belongs to the Corporation and the 3rd respondent rightly rejected the request of the petitioners seeking issue of pata in their names. In fact, the petitioners have not challenged the order passed by the 3rd respondent before the appellate authority. In any event, the site of the subject property admittedly belongs to the Corporation of Chennai and hence, the petitioners are not entitled to get patta based on the said title document. Therefore, the



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writ petition is liable to be dismissed. The learned counsel for the petitioners tried to assert petitioners' right over the subject land by virtue of long possession. The same cannot be considered in the absence of Corporation of Chennai, that too in a writ petition. Hence, the writ petition stands dismissed.

No costs.

19.09.2024
(1/2)

Index : Yes/No
Neutral Citation : Yes/No
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S.SOUNTHAR, J.
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