



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25162 of 2019

1. Kothandan

2. K.Balasundar

.. Petitioners

Vs.

1. District Revenue Officer,
Chennai District,
Singara Velar Maligai,
Campus of District Collector,
Chennai-1.

2. The Special Tahsildar,
Town Land Tax Scheme,
Ambattur, Chennai-53.

3. M.Sumathi

4. S.Karunakaran

5. Sathirasala Sharath Babu

(R & R5 impleaded as per order dated 25.11.2019 in WMP.Nos
27840, 28340, 27838 of 2019 in WP.No.25162 of 2019 by
this Court.)

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records of the respondents, culminating in the impugned order in proceeding No.J13/17985/2019 dated 01.07.2019 passed by the first respondent and the report in Na.Ka.No.15/2019 dated 28.06.2019 prepared by the second



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respondent in respect of the lands for an extent of 25 cents (10904 Sq. ft.) comprised in S.Nos.608 and 609 in ward B and Block No.17 situated at No.63 Oragadam Main Road, Near Arthee Sweets, Venkatapuram, Ambattur Chennai-53 and quash the same and direct the first respondent to conduct a fresh enquiry after giving sufficient opportunities for all the parties concerned and issue patta in the name of the writ petitioners.

For Petitioners : Mr.K.Ashok Kumar
For Respondents : Mr.U.Bharanitharan
Mr.P.Wilson, Sr.Counsel
for M/s.P.Wilson Associates R3
Mr.G.Thiyagarajan R4
Mr.C.P.Palanichamy R5

ORDER

This Petition has been filed seeking to quash the impugned order in proceeding No.J13/17985/2019 dated 01.07.2019 passed by the first respondent and the report in Na.Ka.No.15/2019 dated 28.06.2019 prepared by the second respondent in respect of the lands for an extent of 25 cents (10904 Sq. ft.) comprised in S.Nos.608 and 609 in ward B and Block No.17 situated at No.63 Oragadam Main Road, Near Arthee Sweets, Venkatapuram, Ambattur Chennai-53 and quash the same and direct the first respondent to conduct a fresh enquiry after giving sufficient opportunities for all the parties concerned and issue patta in the name of the writ petitioners.



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2. It is the case of the petitioner that a property measuring an extent of 25 cents comprised in Old S.Nos.608 and 609 presently T.S.No.64 in Ward B and Block No.17 situated at No.63, Oragadam Main Road, Venkatapuram, Ambattur, Chennai-53. The petitioners are in uninterrupted possession and enjoyment of the above said property for more than 40 years and the first petitioner settled the souther side of the property for an extent of 7714 sq. ft. in favour of the second petitioner by way of registered settlement deed in the year 2012 and retained remaining 3,190 sq. ft. for his own purpose. In this circumstances, the petitioners made an application before the second respondent for issuing patta in their name under the Town Land Tax Scheme based on their long possession and enjoyment. The 3rd respondent has also made an application seeking patta in her name for the very same property. After enquiry, the second respondent sent a report to the first respondent recommending to issue patta in favour of the 3rd respondent. On receipt of such report, the first respondent without considering the entire fact, passed the impugned order directing to issue patta in favour of the 3rd respondent. Challenging the said order, the petitioner has filed the present petition before this Court.



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3. The learned counsel for the petitioners submitted that the first respondent fell in error in passing the impugned order without looking into the legal position as to how the second respondent had entertained and conducted such enquiry and forwarded such a report recommending to issue patta in favour of the 3rd respondent, when the second respondent himself had accepted and recorded in the very same report that he does not have power to issue patta, since the total extent of the property exceeds 25 cents which is beyond his jurisdiction.

4. However, the learned counsel for the petitioners further submitted that with regard to the subject property, the 3rd respondent has already filed a suit in O.S.No.309 of 2019 before the III Additional District and Sessions Judge, Poonamallee and the same is pending. Hence, this Court without going into the merits of the case, permit the petitioners to file a suit for declaration and injunction.

5. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that after conducting due enquiry, the present impugned order has been passed. When a suit is



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pending before the respective court, the respondents will take action on subject to the result of the suit.

6. The learned Senior Counsel has not raised any objection on the contention made by the learned counsel for the petitioners.

7. Heard the learned counsel for the petitioners and the learned Counsel appearing for the respondents and perused the materials available on record.

8. The facts of the case are not in dispute. Since it is a dispute with regard to the subject properties in question, which is purely civil in nature, the petitioners have to approach the competent Forum to work out their remedy and not before this Court by way of a writ petition under Article 226 of the Constitution of India. Under these circumstances, this Court does not want to interfere with it.

9. Considering the fact and circumstances of the case, this Court, without going into the merits of the case, permit the petitioners to file a suit against the private respondents before the competent forum for



establishment of their right over the subject properties. If the petitioners file a suit, the concerned Judge, shall decide the issue on merits, as expeditiously as possible. After disposal of the suits filed by the petitioners as well as the third respondent, the succeeding party shall make a fresh representation to the respondents to review the impugned order.

10. With the above directions, the writ petition is dismissed. No costs.

15.10.2024

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To
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1. District Revenue Officer,
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Singara Velar Maligai,
Campus of District Collector,
Chennai-1.

2. The Special Tahsildar,
Town Land Tax Scheme,
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M.DHANDAPANI,J.

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