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W.P.No.30771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30771 of 2024

N.Lakshmi

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Central Chennai Division,
No.5/73, SH 112, Gandhi Nagar,
Annanagar West Extension,
Thirumangalam, Chennai 600 101.
2. The Tahsildar of Maduravoyal,
Nolambur, Ambattur Industrial Estate,
Chennai - 604 307.
3. K.Jaganathan
4. J.Vijayalakshmi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to cancel the patta Nos.7983 and 7984, standing in the name of Fourth Respondent herein and to resurvey the boundaries for survey Numbers 248/24 and 248/25 for patta bearing no.10450 situated in Plot.No.17 of Kannappa Nagar, Maduravoyal Village, Maduravoyal Taluk, Chennai District within the registration District of Chennai South and Sub Registration District, Virugambakkam and update the same in the Field Measurement Book for the said Survey numbers.



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For Petitioner : Mr.G.Vivekanand

For R1 & R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to cancel the patta Nos.7983 and 7984 issued in favour of the fourth respondent in respect of the property situated in plot No.17, Kannappa Nagar, Maduravoyal Village, Maduravoyal Taluk, Chennai District, comprised in survey no.244/245.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 & 2, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that she purchased the above mentioned property from one Radhakrishnan and others under a registered sale deed dated 03.06.2023. The petitioner's vendor's mother Padmini Menon



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purchased the said property under registered sale deed dated 22.03.1990 from one Narayanan, represented by his power agent Kanappa Naicker. Thus, the petitioner's predecessors in title claims absolute right and title over the property. Subsequently, to purchase by Padmini Menon from the original owner Narayanan, his power agent Kanappa Naicker by suppressing the earlier sale in favour of Padmini Memon, sold the very same property in favour of his son, third respondent herein under sale deed dated 23.05.1995. Subsequently, the third respondent settled the property in favour of the fourth respondent under settlement deed dated 29.12.2011. After acquiring knowledge about the subsequent document created by the respondents 3 and 4, the petitioner's predecessors in interest initiated criminal proceedings and the same was compromised between the petitioner's predecessors in interest and the respondents 3 and 4. Based on the compromise, the criminal complaint preferred by the petitioner's predecessors in interest was quashed by this Court in Crl.O.P.No.28182 of 2022. The respondents 3 and 4 confirmed the right of the petitioner's predecessors in interest and agreed to cancel the revenue documents obtained on the basis of the subsequent documents created them. However, till dated they have not cancelled the same. Further, the petitioner submitted various applications seeking cancellation of the revenue documents



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in the name of the respondents 3 and 4. In fact, the second respondent already conducted enquiry on the representation of the petitioner seeking cancellation of the revenue documents in favour of the private respondents in his proceedings Na.Ka.No.2676/2023 dated 30.06.2023. However no final orders was passed till date. Therefore, the petitioner is before this Court.

4. Mr.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 & 2 would submit that the enquiry initiated by the second respondent will be completed and final orders will be passed within a time frame fixed by this court.

5. In view of the above submission made by the learned Special Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to complete the enquiry initiated by him in his proceedings Na.Ka.No.2676/2023 dated 30.06.2023 and pass final orders, after issuing notice to the petitioner as well as the respondents 3 and 4 and any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of.

No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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