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W.P.No.1134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2025

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.1134 of 2025

K.S.Krishnamoorthy

...Petitioner

Vs.

1.The Tahsildar,
Avadi Taluk,
Thiruvallur District.

2.Kasthuri

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's application vide Can No.133011226251876 and Application No.204/0153/01/003938 dated 21.10.2024 and to issue computerized patta to the petitioner for his property measuring an extent of 9.75 cents (394 sq.m.) bearing Old Door No.9, New No.23, Ambar Street, Kamarajan Nagar, Avadi, Chennai – 600 071, comprised in Old Survey No.2/3E, T.S.No.52, Vilinjampakkam Village, Avadi Taluk, Thiruvallur District, based on the Judgment and Decree dated 28.11.2022 passed in S.A.No.1279 of 2017 and



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S.L.P. Civil Diary No.42276/2023 No.1279 of 2014 dated 15.12.2023,

within a time frame to be stipulated by this Court.

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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.P.Sathish for R1
Additional Government Pleader

ORDER

The petitioner would submit that he purchased a house site property in S.No.2/3E measuring an extent of 0.10 cents vide Sale Deed dated 17.10.1980 registered as Document No.2876/1980 before the SRO, Poonamallee from one C.Murugesan. The said Murugesan acquired title to the said property by way of a registered Sale Deed dated 03.01.1976 vide Document No.10/1975 before the SRO, Poonamallee.

2.While that being so, the Second respondent filed a suit in O.S.No.378 of 1991 seeking a declaratory decree based on the Gift Deed executed by her mother and obtained an exparte decree. The second respondent filed E.P.No.96 of 2005 to execute the exparte decree and to recover possession of the petitioner's property through Court.

3.The petitioner in order to resist the attempt of the second respondent



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from taking possession of his property, has filed a suit for bare injunction in O.S.No.87 of 2005.

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4.In addition, the petitioner had also filed O.S.No.64 of 2007 on the file of the Sub Court Poonamallee for a declaration of title and recovery of possession of the aforesaid property. This suit was dismissed by a judgment and decree dated 18.09.2010. Aggrieved this judgment and decree, the petitioner had filed A.S.No.91 of 2010 on the file of the II Additional District Court, Tiruvallur at Poonamallee. This appeal was allowed on 24.09.2019.

5.The petitioner would submit that the second respondent preferred Second Appeal in S.A.No.1279 of 2014 before this Court assailing the said judgment and decree dated 24.09.2014 passed in A.S.No.91 of 2010 on the file of the II Additional District Judge, Thiruvallure at Poonamallee. This Court by its judgment and decree dated 28.11.2022 dismissed the Second Appeal filed by the second respondent who had filed a Special Leave Petition (Civil) Diary No.42276/2023 before the Hon'ble Apex Court. This SLP was dismissed on 15.12.2023.

6.The petitioner is in possession of the property and also obtained



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manual patta recording old S.No.2/3E and new T.S.No.52 for the land extent of 394 square meters and also existence of a tiled house in the petitioner's property. The long drawn litigation has come to an end with the dismissal of the SLP filed by the second respondent. The petitioner therefore made an application to the 1st respondent for issuing computerized patta for his property enclosing his Sale Deed dated 17.09.1980 the Court orders and earlier proceedings of the first respondent wrongly showing the name of the second respondent for his property. As the said application has not been taken up for consideration till date, the petitioner is before this Court.

7.Heard the learned counsel on either side and perused the materials available on record.

8.Despite the petitioner making a representation of 21.10.2024 enclosing documents and Court orders showing their right to the property, the 1st respondent has not considered the petitioner application to date, therefore, the writ petition is allowed, a mandamus is issued to the first respondent to consider the online application in favour of the petitioner and issue the computerized patta within a period of 8 weeks from the date of



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receipt of a copy of this order. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The Tahsildar,
Avadi Taluk,
Thiruvallur District.



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P.T.ASHA, J.

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