



W.P.No.3654 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3654 of 2025

Daniel Marry

... Petitioner

Vs.

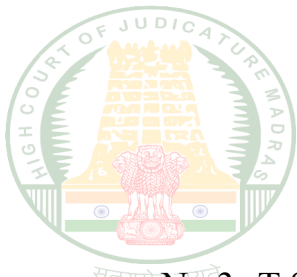
1.The District Collector
Chennai District.

2. The Revenue Divisional Officer,
Chennai South Division,
Guindy, Chennai 34

3. The Tahsildar,
Alandur Taluk,
Alandur, Chennai -16

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 3rd respondent vide proceedings in Na.Ka.No.ZOHO/ 10464991 / 2024 dated 05/12/2024, quash the same and consequently, direct the 3rd respondent to issue patta for the house property situated at Old No.338, New No.496, MKN Road, Alandhur, Chennai 16, comprised in survey no.173, Ward No.A Block



W.P.No.3654 of 2025

No.3, T.S.No.3, Alandur Taluk, Chennai District in the name of legal heirs of the petitioners father Harry Daniel.

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For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.A.Selvendran (for R1 to R3)
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 05.12.2024 and for a consequential direction to the 3rd respondent to issue patta in the name of the petitioner and other legal heirs with respect to the subject property.

2. Heard Mr.A.Ramalingam, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 3.

3. The case of the petitioner is that her father late Harry Daniel was the absolute owner of the subject property. During his life time, 3rd party who had no right over the property filed suit in OS No.837 of 1976 before the



W.P.No.3654 of 2025

WEB COPY

District Munsif Court, Poonamallee, seeking for the relief of recovery of possession. This suit was contested and was dismissed by judgement and decree dated 28.03.1978. This dismissal was also confirmed in the appeal in AS No.210 of 1978.

4. The further case of the petitioner is that all the documents including the patta stands in the name of the father of the petitioner and the father of the petitioner died on 21.05.1988. The petitioner made a representation dated 10.08.2023 to the 3rd respondent seeking for joint patta. The 3rd respondent through impugned proceedings dated 05.12.2024 has rejected the petition by stating that a suit was filed in OS No.837 of 1976 and it has been dismissed and therefore, the patta cannot be issued.

5. In the considered view of this Court, the impugned proceedings of the 3rd respondent dated 05.12.2024 is illegal and an error apparent on the face of the order. The suit was filed by some third party and the same was dismissed and the result was in favour of the father of the petitioner. However, that has been put against the petitioner without any application of mind. The petitioner



W.P.No.3654 of 2025

WEB COPY

is in possession of all the relevant documents pertaining to the suit property and the petitioner is seeking for issuance of joint patta in the name of the petitioner and other legal heirs of late Harry Daniel.

6. In view of the above, the impugned proceedings of the 3rd respondent dated 05.12.2024 is hereby quashed.

7. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the property in question is categorized as held over land and therefore, as per GO No.233 dated 05.02.2021, it is only the RDO, who is vested with the power to grant patta. In view of the same, there shall be a direction to the petitioner to make a fresh application along with other legal heirs before the 2nd respondent seeking for patta to the subject property. The 2nd respondent shall conduct the enquiry and shall verify all the documents and shall pass appropriate orders within a period of six weeks from the date of receipt of application from the petitioner.



W.P.No.3654 of 2025

WEB COPY

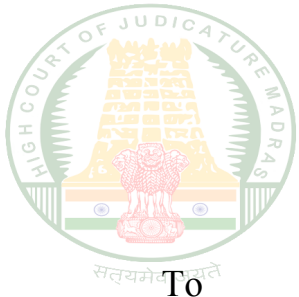
8. In the result, this writ petition is allowed with the above directions.

No costs.

07.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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W.P.No.3654 of 2025

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W.P.No.3654 of 2025

N. ANAND VENKATESH.J,

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