



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.17165 of 2023
and WMP No.16341 of 2023

A.S.Rani Clementia

.... Petitioner

-Vs-

1.The Commissioner of Land Administration
Ezhilagam, IInd Floor
Chepauk, Chennai 600 005.

2.The Director of Survey and Settlement
Officer
The Survey and Settlement Office
Chepauk, Chennai 600 005.

3.Dollas (Deceased)

4.Zero Dollas

5.D.Mesmar

.. Respondents

(R4 & R5 are substituted as Lrs of deceased R3
by order dated 05.03.2025 in WMP.No.32519/2023 &
WMP.32522/2023 in WP.17165/2023 by NAVJ)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st Respondent in K1 / 3136282 / 2022 dated 12.04.2023 confirming the order passed by the 2nd Respondent in E2 / 4320 / 2015, dated



27.11.2019 through an order dated 23.08.2022 quash the same and consequentially direct the Respondents 1 and 2 to restore the patta stands in the name of the petitioner.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
for R1 & R2

Ms.S.Sumithra for R4

R3 - died

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 12.04.2023 confirming the order passed by the 2nd respondent dated 27.11.2019 and for a consequential direction to the 1st and 2nd respondents to restore the patta in the name of the petitioner.

2.Heard Mr.A.R.Nixon, learned counsel for the petitioner, Mr.M.R.Gokulkrishnan, learned Additional Government Pleader for R1 & R2 and Ms.S.Sumithra, learned counsel for R4.

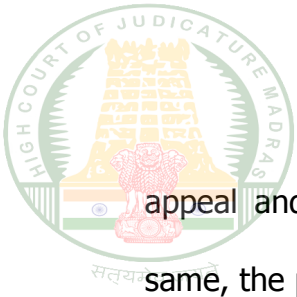
3.The petitioner claimed right and title over the subject property by virtue of the settlement patta granted in her favour in Patta No.73. The 3rd respondent raised a claim over the property and attempted to interfere with the possession and enjoyment



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of the petitioner. The petitioner filed a suit before the Competent Civil Court and sought for the relief of permanent injunction in OS.No.220 of 2009. Similarly, the 3rd respondent and three others also sought for the very same relief in OS.No.358 of 2012. Both these suits were tried by the learned Sub Judge, Tambaram and through judgement and decree dated 02.6.2015, the suit filed by the petitioner was decreed and the suit filed by the 3rd respondent along with others was dismissed. Aggrieved by the same, two appeals were filed in AS.Nos.20 and 21 of 2015, before the Additional District Court, Chengalpattu by the 3rd respondent and others and those appeals also came to be dismissed by judgement and decree dated 28.11.2017. It was further confirmed by this Court in SA.Nos.53 and 54 of 2018, by judgement and decree dated 29.08.2018. The Special Leave Petition that was filed before the Apex Court was also dismissed by an order dated 15.03.2019. In the meantime, the Review Application Nos.261 and 263 of 2018, were filed and the same was also dismissed by order dated 19.12.2018.

4.Pursuant to the completion of the entire proceedings before the Civil Court, the petitioner sought for the restoration of the patta in her name since by then, the patta that was issued in the name of the petitioner was cancelled. The 2nd respondent through proceedings dated 23.08.2022, rejected the claim made by the petitioner. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent and the 1st respondent through impugned proceedings dated 12.04.2023, rejected the



appeal and confirmed the order passed by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

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5.The 1st respondent has filed a counter affidavit. The 1st respondent has reiterated the reasons assigned in the impugned order dated 12.04.2023. The 1st respondent has taken a further stand that the process of issuance of settlement patta was made by the Assistant Settlement Officer, Tiruvannamalai and hence the patta that was issued in the name of the petitioner is an illegality and as a result, the 1st respondent has justified the impugned order and sought for the dismissal of this writ petition.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.In the considered view of this Court, there is no dispute with regard to the fact that patta was issued in the name of the petitioner and the said patta was the title document claimed by the petitioner. The right of the petitioner over the subject property was decided by the Civil Court and it was confirmed up to the Apex Court. The petitioner having undergone the entire process of establishing the right and title over the property, is now sought to be deprived of that right by not restoring the patta in the name of the petitioner. The order passed by the 2nd respondent and which was



confirmed by the 1st respondent, virtually overrides the order passed by the Competent Civil Court. The official respondents ought to have taken into consideration the judgement and decree passed by the Civil Court and restored the patta to its original position. Instead, the 1st and 2nd respondents have considered irrelevant facts and deprived the petitioner the fruits of the decree granted by the Civil Court.

8.The impugned orders passed by the 2nd respondent which was confirmed by the 1st respondent suffers from illegality and there is an error of law apparent on the face of the order. Hence, both the impugned orders are hereby quashed. There shall be a direction to the 2nd respondent to restore the patta to its original position in the name of the petitioner and necessary proceedings shall be issued in this regard within a period of six weeks from the date of receipt of copy of the order.

9.In the result, this writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index : Yes/No
NCS : Yes/No
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N.ANAND VENKATESH, J.

KP

To

- 1.The Commissioner of Land Administration
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Chepauk, Chennai 600 005.
- 2.The Director of Survey and Settlement
Officer
The Survey and Settlement Office
Chepauk, Chennai 600 005.

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