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In the High Court of Judicature at Madras

Dated : 04.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.18916 of 2024 &
WMP.No.20774 of 2024

A.K.Nasar ...Petitioner

Vs

1.The Secretary, Government of Tamil Nadu, Revenue Department, St. Fort George, Chennai-9.

2.The Principal Commissioner & Commissioner of Land Reforms, Commissionerate of Urban Land Ceiling & Urban Land Tax, Chepauk, Chennai-5.

3.The Assistant Commissioner/ Competent Authority (Urban Land Tax), Tambaram Range, Alandur, Chennai.

4.The Chengalpattu District Collector, Chengalpattu Collector Office, GST Road, Chengalpattu-603001.

5.The District Revenue Officer, Chengalpattu District.

6.The Revenue Divisional Officer, Tambaram.

7.The Tahsildar, Tambaram.

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8.Vivek Vasantharaj ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the impugned proceedings dated 14.2.2024 in Na.Ka.No.15876/2023/AA4 on the file of the fifth respondent and quash the same.

For Petitioner	:	Mr.J.Kather Hussain
For R1 to R7	:	Mr.M.R.Gokul Krishnan, AGP
For R8	:	Mr.P.J.Rishikesh

ORDER

This writ petition has been filed challenging the proceedings dated 14.2.2024 issued by the fifth respondent.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 7 and the learned counsel appearing for the eighth respondent.

3. The facts leading to filing of the writ petition are stated as hereunder :

(i) The father of the petitioner was the owner of the property measuring 78 cents in new S.No.342/4, Keelkattalai Village, Tambaram Taluk, Chengalpattu District. The title was traceable to the

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sale deeds, which were executed in the year 1961. The petitioner's father died in the year 1983. Thereafter, proceedings were initiated under the Urban Land Ceiling Act and the lands were acquired. Pursuant to that, the lands vested with the Government.

(ii) The petitioner and seven others filed W.P.No.13909 of 2010 before this Court seeking to declare the proceedings initiated by the third respondent as abated since the physical possession of the subject property was with the petitioners therein. The said writ petition came to be allowed on 13.9.2011 on the ground that the acquisition proceedings have abated in view of Section 4 of the Repeal Act and that no possession was taken. Aggrieved by the order dated 13.9.2011, W.A.No.1760 of 2013 was filed and it was dismissed by a Division Bench of this Court by judgment dated 19.11.2014.

(iii) Once again, the same persons filed W.P.No.27773 of 2019 seeking mutation of the revenue records in their names and it was disposed of by order dated 26.11.2019 by issuing directions. Ultimately, the order of this Court was complied with and the names of the petitioner and others were entered in the revenue records.

(iv) Now, the grievance of the petitioner is that the eighth respondent made an application dated 31.5.2023 before the sixth respondent seeking for cancellation of patta on the ground that the subject property was already sold in favour of him by the father of the

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petitioner in the year 1975 and that therefore, the patta could not continue in the names of the petitioner and others. Further, by proceedings dated 07.7.2023 and 14.7.2023, the sixth respondent cancelled the patta issued in favour of the petitioner and others.

(v) Aggrieved by that, one Mr.Raji, S/O Prabhakaran filed an appeal dated 29.7.2023 to the fifth respondent. By the impugned order, the order passed by the sixth respondent stood confirmed and a direction was given for removal of the names of the petitioner and others from the revenue records and to grant patta in favour of the eighth respondent. The proceedings of the fifth respondent has been put to challenge in this writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. In the considered view of this Court, the writ petition is a clear abuse of process of law. It is brought to the notice of this Court that the petitioner and others challenged the sale deeds that were executed in favour of the eighth respondent by the father of the petitioner by filing civil suits before the competent civil court. The first suit was filed in O.S.No.64 of 2006 before the Additional Sub-Court, Chengalpet and

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it was dismissed for default on 29.1.2008. The second suit was filed in O.S.No.77 of 2008 before the Sub-Court, Tambaram challenging the sale deeds and it was also dismissed for default on 02.7.2009.

6. Thus, it is clear that the petitioner and others were aware of the fact that the sale deeds were executed by the father of the petitioner in favour of the eighth respondent. However, there is not even a whisper about these two suits in the affidavit filed in support of the writ petition. In any case, once the subject property has been sold in favour of the eight respondent by the father of the petitioner, the right and title over the subject property is already vested with the eighth respondent and the legal heirs of the original vendor can have no claim over the same. The petitioner and others are now fighting for a property, which had already been sold in favour of the eighth respondent by their father.

7. In view of the above, this Court does not find any illegality in the proceedings of the fifth respondent wherein the earlier proceedings of the sixth respondent were confirmed and the patta issued in favour of the petitioner and others was directed to be cancelled and a fresh patta was directed to be issued in favour of the eighth respondent. Apart from the fact that the above writ petition is an abuse of process

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of law, this Court does not find any merits in the writ petition.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

04.2.2025

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of Tamil Nadu, Revenue
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RS

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