



W.P.No.25530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25530 of 2022

K.Rajendra Babu

.. Petitioner

Vs.

1.The Collector,
Singara Velan Maligai,
Chennai – 600 001.

2.The Tahsildhar,
Ayanavaram Taluk,
Ayanavaram,
Chennai – 600 023.

3.The Perambur Co-operative Building Society Limited,
Rep. by its Secretary,
Door No.22, First Circular Road,
Jawahar Nagar,
Chennai – 600 082.

.. Respondents

(R3 impleaded as per order dated
15.11.2024 in W.M.P.No.28261 of 2022
in W.P.No.25530 of 2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the records
of the 2nd respondent in proceedings in Procs. No. A4/2229/2022 dated



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18.08.2022 and to quash the same and to direct the 2nd respondent to issue Patta forthwith to the petitioner's property situated at Plot No.B-38, Block No.37, T.S.No.19, O.S.No.302/2 & 302/3, Peravallur Village, Purasawalkam – Perambur Taluk, within the limits of Chennai Corporation bearing New Door No.42/12, Temple Street, Jawahar Nagar, Chennai – 600 082 in the light of the partial modification in G.O.M.S.2083 vide Government Memorandum 57051 – 82 / 66.4 dated 28.10.1966 of Revenue (A2 Department).

For petitioner : Mr.S.Thiruvengadam
For RR 1 & 2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Proof not filed

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 18.08.2022 and for a consequential direction to the 2nd respondent to issue patta in the name of the petitioner pertaining to the subject property.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 & 2.



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3.The patta was refused to be granted in favour of the petitioner mainly on the ground that the subject property is noted in the revenue records as 'Vaikkal'. Therefore, considering the fact that it is classified as a water body, the respondents have refused to grant patta in the name of the petitioner.

4.The issue that is involved in the present writ petition is no longer res integra and various orders have been passed by this Court considering the same property. One such order was passed in W.P.Nos.7533 & 7534 of 2018 dated 30.03.2021 and the relevant portions are extracted hereunder:

“3.The simple case that is pleaded before this Court by the petitioner is that the petitioner purchased the property which is a plot in a well developed layout. The petitioner is entitled to patta if he purchased the property from the original owner. It is the specific case of the petitioner that the property was originally assigned to the said society which formed the layout. After several decades, it is surprising to note that the respondents have rejected the application for patta on the ground that the property is classified as poromboke. An additional counter affidavit is filed by the second respondent. This Court is unable to find any basis from the counter affidavit filed by the second respondent. In the additional counter



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affidavit filed by the second respondent, it is stated that the prior proceedings relied upon by the petitioner is not available on record. However, it is stated that as per revenue records, the land was classified as Sarkar Poromboke. The society formed a layout long back and the layout was approved. When the plots of the layout were sold out on the basis of approval granted by the statutory authorities, the respondents have no reason to believe that they are in possession of the property despite the plots were sold by the promoters of the layout namely the society in the name of several others. There were subsequent alienations one after another.

4.It is the case of the petitioner that the property was originally assigned in favour of the society by the Government and that therefore, the Government cannot not now render the assignment invalid by stating that the land was classified as Sarkar Poromboke. Having regard to the admitted facts, this Court find some force in the argument of the learned counsel for the petitioner. It is seen that the petitioner has purchased the property as a house site from the person on the basis of a sale deed obtained from the Society. After this length of time, the possession and enjoyment of the petitioner as claimed by them cannot be disbelieved when no material is produced by the respondents with regard to cancellation of assignment or about any error or mistake in identify of property. As pointed out earlier, the land though was classified as poromboke, the classification cannot remain the same after assignment. It is not the case of respondent that the plot purchased by petitioner is not part of the lands assigned to Society.



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5.From the pleadings and documents filed on either side, this Court is fully convinced that the respondent cannot refuse to grant patta ignoring the previous assignment and transfer of interest in favour of the society under whom the petitioner claims right. Hence this writ petition is allowed and the order of second respondent dated 30.04.2015 in O.Mu.Pa.Ma.No.A2/2586/2014 is set aside. No costs. The Tahsildar is directed to issue patta forthwith to petitioners for the property mentioned in the petition.”

5.Pursuant to the above order, the patta was granted in favour of the petitioners therein. Similarly, another order was passed in W.P.Nos.11468 & 11471 of 2021 dated 04.02.2022.

6.In view of the above, it is quite apparent that there is no water body in that place and the property was actually assigned and transferred in favour of the Perambur Co-operative Building Society, which had sold the plots. Hence, the above order will enure in favour of the petitioner.

7.In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 18.08.2022 is hereby quashed and there shall be a direction to the 2nd respondent to issue patta in the name of the



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petitioner within a period of four (4) weeks from the date of receipt of a

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8.In the result, this Writ Petition is allowed with the above directions. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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