



WP.No.638 of 2025

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In the High Court of Judicature at Madras

Dated : 09.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.638 of 2025

1.M.K.Sunny
2.K.Mohan
3.R.Premkumar Reddy
4.R.Rajkumar Reddy

...Petitioners

Vs

1.The Principal Secretary to
Government, Revenue &
Disaster Management
Department, Secretariat,
Chennai-9.

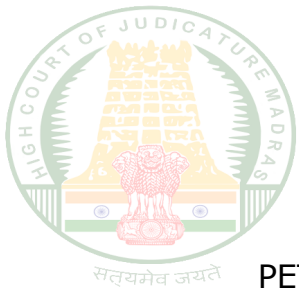
2.The Commissioner of Land
Administration, Ezhilagam,
Chepauk, Chennai-5.

3.The District Collector,
Collector Office,
Thiruvallur District,
Tamil Nadu - 602003.

4.The Revenue Divisional Officer,
Thiruvallur District.

5.The Tahsildar, Poonamallee
Taluk, Poonamallee,
Thiruvallur District.

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue patta to the petitioners' property by implementing the order dated 06.7.2024 in Na.Ka.684-2024-A2 passed by the fourth respondent herein and to pass orders in accordance with law within a time frame as may be fixed by this Court.

For Petitioners : Mr.P.Raja
For Respondents : Mr.A.Selvendran, SGP

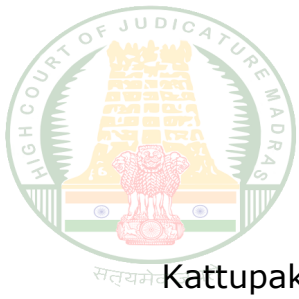
ORDER

Seeking a direction to the respondents to issue patta in respect of the petitioners' property by implementing the order dated 06.7.2024 passed by the fourth respondent, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for the respondents.

3. The case of the petitioners is as follows :

(i) Petitioners 1 and 2 acquired half share in the property measuring 22 grounds 1844 sq.ft. in S.No.254/A1, No.58,



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Kattupakkam Village, then Sriperumbudur Taluk, Chengalpattu District by way of a Will dated 07.7.2016 registered as doc.No.180 of 2016 from one Ms.C.P.Mary, who is none other than their mother. Prior to that, petitioners 3 and 4 acquired the balance half share in the subject property by way of a Will dated 17.7.2004 registered as doc.No.63 of 2004 on the file of the Sub-Registrar, Virugambakkam from one Mr.Balakrishnan. The said Mrs.C.P.Mary and the said Mr.Balakrishnan acquired half share each in the subject property by way of purchase for a valid sale consideration.

(ii) When the Government Officials attempted to trespass into the subject property and put up a construction, the said Mr.Balakrishnan filed O.S.No.49 of 1988 on the file of the Sub-Court, Poonamallee as against the District Collector, Kanchipuram District and the said Mrs.C.P.Mary seeking a decree to declare that the plot in S.No.254/1 absolutely belongs to both the said Mr.Balakrishnan and the said Mrs.C.P.Mary and for a permanent injunction restraining the District Collector, Kanchipuram from interfering with their peaceful possession and enjoyment in the subject property. Further, the said Mrs.C.P.Mary supported the case of the said Mr.Balakrishnan. The said suit was decreed on 23.9.1993. As against the same, the District Collector, Kanchipuram filed A.S.No.57 of 1996 on the file of this Court and it was ultimately dismissed by judgment and decree dated



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20.3.2014. The said judgment dated 20.3.2014 attained finality as no further appeal was filed before the Hon'ble Supreme Court.

(iii) The said Mr.Balakrishnan and the said Mrs.C.P.Mary died on 05.1.2009 and 08.8.2016 respectively. After their demise, the petitioners became the absolute joint owners of the subject property. Though the first petitioner applied for a joint patta in respect of the subject property even in the year 2007, nothing was forthcoming. Further, the first petitioner made an online application dated 12.4.2022 to the fifth respondent for the issuance of patta after subdivision by paying necessary charges. A representation dated 12.4.2022 was also made to the fifth respondent to that effect. As it did not evoke any response, the petitioners filed W.P.No.11264 of 2022 seeking a direction to the fifth respondent to consider their representation dated 12.4.2022. This Court, by order dated 29.4.2022, directed the fifth respondent to pass orders on the said representation on merits and in accordance with law within 12 weeks.

(iv) Even thereafter, no action was taken pursuant to the said order of this Court in the earlier writ petition. Hence, the petitioners filed Contempt Petition No.874 of 2023 and in order to avoid contempt proceedings, the fifth respondent passed the order dated 26.4.2023 rejecting their request for the issuance of patta. As a consequence, Contempt Petition No.874 of 2023 was closed on 28.4.2023. Once



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again, the petitioners invoked the jurisdiction of this Court by filing W.P.No.930 of 2024 challenging the said order dated 26.4.2023 passed by the fifth respondent and to issue a consequential direction to the fifth respondent to grant patta to the petitioners. W.P.No.930 of 2024 was disposed of by this Court on 18.1.2024 directing the petitioners to approach the Appellate Authority in view of the availability of an alternative remedy since they have got a decree in their favour.

(v) Based on the said order dated 18.1.2024, the petitioners filed an appeal to the fourth respondent, who passed the order dated 06.7.2024 directing the fifth respondent recommending to send proposals to the Government for the grant of joint patta to the petitioners. Thereafter, Contempt Petition No.1431 of 2024 filed by the petitioners to punish the fourth respondent for disobeying the orders of this Court dated 18.1.2024 in W.P.No.930 of 2024 came to be closed on 16.7.2024 after it was brought to the notice of this Court that the fourth respondent passed the said order dated 06.7.2024. Hence the petitioners have filed this writ petition.

4. Considering the facts and circumstances of the case and in view of the fact that the judgment and decree dated 20.3.2024 in A.S.No.57 of 1996 on the file of this Court attained finality, the writ



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petition is allowed and a Mandamus is issued to the fifth respondent to consider the grievance of the petitioners for the issuance of a joint patta in respect of the subject property and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

09.1.2025

Index : Yes (or) No
Neutral Citation : Yes (or) No

To

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Revenue & Disaster Management
Department, Secretariat, Chennai-9.
- 2.The Commissioner of Land
Administration, Ezhilagam,
Chepauk, Chennai-5.
- 3.The District Collector, Collector Office,
Thiruvallur District-602003.
- 4.The Revenue Divisional Officer,
Thiruvallur District.
- 5.The Tahsildar, Poonamallee Taluk,
Poonamallee, Thiruvallur District.

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