

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.13169 of 2015

K.B.Rajendran

...Petitioner

- Vs -

1. The State of Tamil Nadu
Represented by The Commissioner,
Survey, Settlement and Land Records,
Survey House, Chepauk,
Chennai-600 005.

2. The District Collector,
Collectorate of Chennai,
Rajaji Salai,
Chennai-600 001.

3. The Tahsildar,
(Ayanavaram Taluk),
Ayanavaram, Chennai-600 023.

4. The Assistant Director of
Survey and Land Records,
7th Floor, Singaravelan Maligai,
Campus of the Collectorate of Chennai,
Rajaji Salai, Chennai-600 001.

5. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.

6. Tmt.M.C.Thannarasi alias Thennagam

7. Mr.Muthuraman

...Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the third respondent-herein and to issue a fresh patta to the petitioner, on the sub-division extract of 2001, upon the petitioners representation dated 27.09.2014 and consequently direct the 3rd and 4th respondent-herein to update the Chitta and Adangal records, in respect of petitioner's property in old Survey No.368/1, Block No.61, T.S.No.24, Konnur Village, Villivakkam, Chennai-600 049.

For Petitioner : Mr.K.B.Rajendran,
Party-in-person

For Respondents 1 to 4 : Mr.S.Pattabiraman,
(Government Advocate)

For 5th respondent : Mr.P.V.Selvakumar

For Respondents 6 and 7 : Mr.S.Vennimalai
for Mr.V.Shanmugham

O R D E R

Heard both sides.

2. The petitioner has come forward to file this writ petition with the allegation that a joint patta has been issued by inclusion of the 7th respondent without following due process of law. It is the specific case of the petitioner that the property belongs to him exclusively. It is also seen that the petitioner has filed a suit for permanent injunction in O.S.No.6407 of 2014 which is pending disposal on the file of VIII Assistant Judge, City Civil Court, Chennai.

3. The petitioner who appears in person before this Court has submitted that in pursuant to the order passed by the third Respondent, his possession is sought to be disturbed.

4. The learned counsel appearing for the respondents 6 and 7 has submitted that suppressing the pendency of the Civil Suit, the petitioner has come forward to file this writ petition.

5. The decision of the third respondent is certainly subject to the decision to be made by the Civil Court. Though the suit is for permanent injunction, it is laid based upon the title. Thus, the

Civil Court has to go into the question of title incidentally while deciding the relief sought for. The law is quite settled that the decision of a Revenue Authority is subject to the decision to be made by the Civil Court. A Revenue Authority cannot decide the inter se dispute between the parties. Thus, the writ petition stands disposed of by observing that the Civil Court including the Trial Court or the Appellate Court, which is hearing the appeal filed against the interlocutory application are expected to dispose of the same without placing any reliance upon the joint patta issued by the third respondent. It is also made clear that it is open to the parties to approach the third respondent after the disposal of the suit and placing reliance upon the same the third respondent has to act.

The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ssn/arr

To

1. The Commissioner,
Survey, Settlement and Land Records,
Survey House, Chepauk,
Chennai-600 005.

2. The District Collector,
Collectorate of Chennai,
Rajaji Salai,
Chennai-600 001.

3. The Tahsildar,
(Ayanavaram Taluk),
Ayanavaram, Chennai-600 023.

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4. The Assistant Director of
Survey and Land Records,
7th Floor, Singaravelan Maligai,
Campus of the Collectorate of Chennai,
Rajaji Salai, Chennai-600 001.

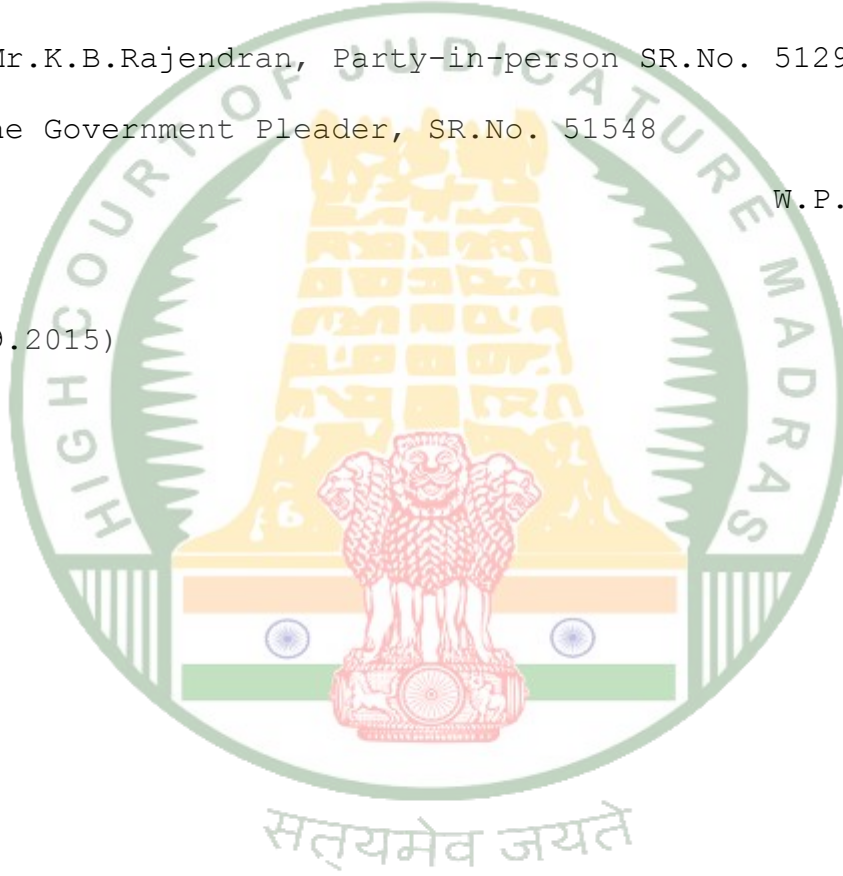
5. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.

2 CCs to Mr.K.B.Rajendran, Party-in-person SR.No. 51295

1 CC to the Government Pleader, SR.No. 51548

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PA (CO)
PSI (23.09.2015)



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