

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.08.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.30479 of 2013

and

M.P.No.1 of 2013

1.R.Boopal Raja

2.R.Paranthaman

... Petitioners

Vs

1. The Revenue Divisional Officer,
Tambaram Division,
Tambaram.

2. The Tahsildar,
Tambaram.

3. SM.Palaniappan

4. P.L.Nachal

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to pass orders on the appeal memorandum dated 21.12.2012 on merits and within a time to be stipulated by this Court, by affording an opportunity to the private respondents.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Ms.P.Rajalakshmi,
Govt. Advocate for R1 and R2
Mr.S.A.Akbar,
for R3 and R4

ORDER

Petitioners have filed this writ petition seeking for the issuance of a writ of mandamus to direct the first respondent to pass orders on the appeal memorandum dated 21.12.2012 on merits, by affording an opportunity to the private respondents.

2. Admittedly, a suit is pending in O.S. No. 217 of 2011 on the file of the District Munsif, Tambaram. The law is quite settled that a patta issued would be subject to the decree that can be passed by the competent jurisdictional civil Court. A patta issued cannot be a document of title. Therefore, the petitioners can very well approach the authorities concerned after the disposal of the suit, if a decree is passed in their favour. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Revenue Divisional Officer,
Tambaram Division,
Tambaram.
2. The Tahsildar,
Tambaram.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.41957

+1cc to Mr.S.A.Akbar, Advocate, S.R.No.41764

+1cc to the Government Pleader, S.R.No.42042

W.P.No.30479 of 2013

KU(CO)
CA(26/08/2015)