

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.30549 of 2012 & 8039 of 2014
and
M.P.No.1 of 2012

W.P.Nos.30549 of 2012

C.Raja ... Petitioner

Vs.

1.Superintendent of Police
O/o.Superintendent of Police,
Collectrate Complex,
Kancheepuram District,
Kancheepuram.

2.Inspector of Police,
G-1, Maduranthagam Police Station,
Maduranthagam,
Kancheepuram District.

3.Mrs.Egathal @ Jasintha ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of declaration declaring the act of second respondent conducting Katta Panchayat in the name of petition enquiry and threatening petitioners to execute sale deed pertaining to the property settled by petitioners father measuring 26 cents in S.No.595/6C at No.143 Karuguli Madura Malaipalayam Village Madurathangam Taluk, Kancheepuram District in favour of third respondent as illegal null and void.

For Petitioners: Mr.Adinarayana Rao

For Respondents: Mr.S.Gunasekara (GA) for R2
Mr.S.Kumaradevan For R63.

W.P.No.8039 of 2014

Tmt.Jessintha

... Petitioner

Vs.

1.The Revenue Divisional Officer
O/o.Revenue Divisional Officer
Madhurandhagam
Kancheepuram District.

2.The Tahsildar,
Madhurandhgam Taluk
Kancheepuram District.

3.C.Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1st respondent to pass appropriate order on the petitioner's presentation dated 11.09.2013 and based on the reports of the Village Administrative office of Karunzuzhi Village and the Revenue Inspector in Va.Mu,72/2914 dated 14.02.2014

For Petitioners : Mr.S.Kumaradevan

For Respondents : Mr.S.Gunasekara (GA) for R2
Mr.Adinarayana Rao

C O M M O N O R D E R

1. Heard the Mr.S.Kumaradevan learned counsel for the petitioner as well as the Mr.S.Gunasekara learned Government Advocate appearing for the second respondent and Mr.Adinarayana Rao learned counsel for the third respondent and perused the records.

2. The writ petition in W.P.No.30549 of 2012, seeks a direction from this court, declaring the act of second respondent conducting Katta Panchayat in the name of petition enquiry and threatening petitioners to execute sale deed pertaining to the property settled by petitioners father measuring 26 cents in S.No.595/6C at No.143 Karuguli Madura Malaipalayam Village Madurathangam Taluk, Kancheepuram District in favour of third respondent as illegal null and void whereas, the petitioner in W.P.No. 8039 of 2014 seeks a direction, directing the first respondent to pass appropriate order on the petitioner's presentation dated 11.09.2013 and based on the reports of the Village Administrative office of Karunzuzhi Village and the Revenue Inspector in Va.Mu,72/2914 dated 14.02.2014.

3. The dispute is between the petitioner and the third respondent. The petitioner would contend that the third respondent was the first wife of his late father Selvanathan and due to his ill health he was often troubled by the third respondent for maintenance and partition. It is further submitted that his father had executed the above said property by way of a settlement deed 18.03.2009 in his favour bearing Patta No.609 on the file of the Sub-Registrars Office, Maduranthagam in his favour.

4. The third respondent has filed counter wherein she has stated that she was not aware of the change of patta in his name for the above said property and filed a petition before the Tahsildar Maduranthagam Taluk against the petitioner herein C.Raja, for forgery settlement deed allegedly executed on 18.03.2009.

5. In the absence of the counter by respondent 1 and 2, this court is constrained to dispose of these writ petitions by issuing the following directions.

(i) The writ petition in W.P.No.30549 of 2012, is disposed of with an observation that the second respondent under the guise of enquiry shall not harass the petitioner and conduct an enquiry and if it is found to be civil in nature, both parties shall be advised to work out their remedy before the Civil Court by filing appropriate petitions.

(ii) The petition in W.P.No.8039 of 2014, is disposed of with a direction to the 1st respondent Revenue Divisional Officer to consider the representation dated 11.09.2013, after issuing notice to the third respondent C.Raja, and also by affording an opportunity of personal hearing.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

prm

To

1. Superintendent of Police
O/o. Superintendent of Police,
Collectrate Complex,
Kancheepuram District,
Kancheepuram.

2. Inspector of Police,
G-1, Maduranthagam Police Station,
Maduranthagam,
Kancheepuram District.

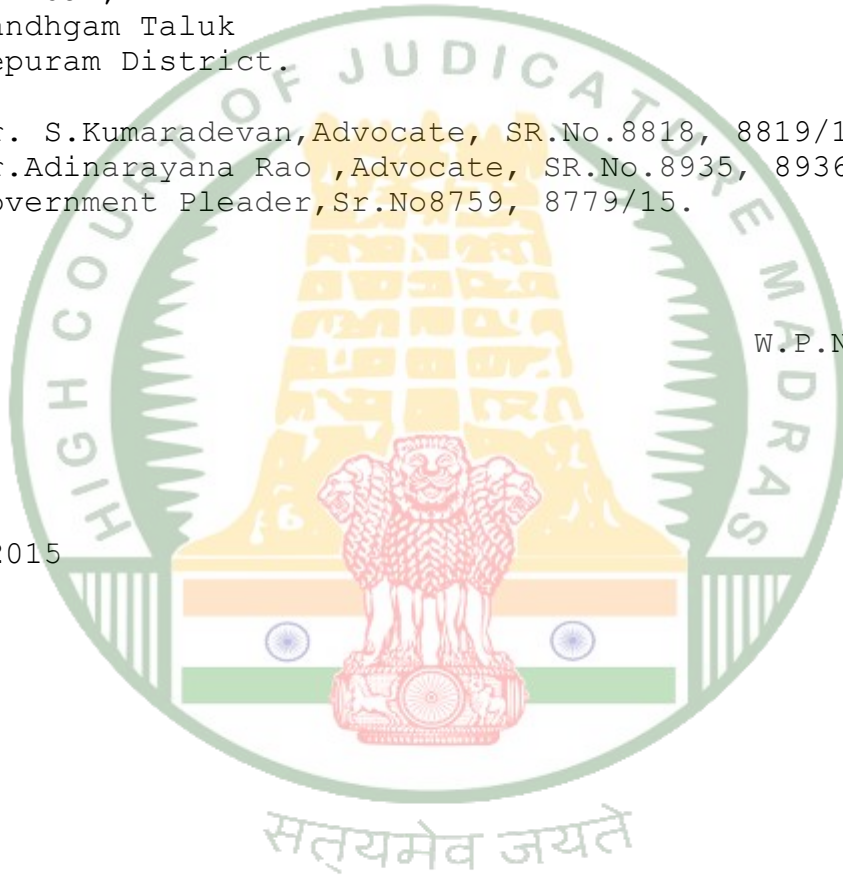
3. The Revenue Divisional Officer
O/o. Revenue Divisional Officer
Madhurandhagam
Kancheepuram District.

4. The Tahsildar,
Madhurandhgam Taluk
Kancheepuram District.

2 cc to Mr. S.Kumaradevan, Advocate, SR.No.8818, 8819/15
2 cc to Mr. Adinarayana Rao, Advocate, SR.No.8935, 8936/15
2 cc to Government Pleader, Sr.No.8759, 8779/15.

W.P.Nos.30549 of 2012
& 8039 of 2014
and
M.P.No.1 of 2012

BR(CO)
PMK.29.4.2015



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