

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.28322 of 2013
and
M.P.No.2 of 2013

N.MANOJ
6/57 SALEM MAIN ROAD,
MUMMUDI VILLAGE, THALAIVASAL POST,
ATTUR TALUK
SALEM DISTRICT.

...PETITIONER

Vs.

- 1 DISTRICT COLLECTOR
SALEM DISTRICT SALEM
- 2 REVENUE DIVISIONAL OFFICER
ATTUR SALEM DISTRICT
- 3 TAHSILDAR
ATTUR TALUK ATTUR SALEM DISTRICT
- 4 R.KUPPUSAMY
S/O.RAMASAMY
- 5 TMT.ATHAYEE
W/O.R.KUPPUSAMY RESPONDENTS 4 & 5 MUMMUDI
VILLAGE THALAVAISAL POST ATTUR TALUK
SALEM DISTRICT
- 6 THE COMMERCIAL TAX OFFICER
ATTUR-RURAL CIRCLE ATTUR SALEM DISTRICT

7 THE DEPUTY CHIEF INSPECTOR OF FACTORIES,
SIPCOT HOUSING BOARD COMPLEX,
HOSUR KRISHNAGIRI DISTRICT.

...RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order of transfer of patta in favour of the respondents 4 and 5 in Patta No.1001 issued by the 3rd respondent in his proceedings No. Nil dated Nil and quash the same.

For Petitioner : Mr.A.Thiagarajan

For Respondents-1to3 : Mr.A.Kumar, Spl.G.P.

For Respondent No.4 & 5 : Mr.P.Jagadeesan

O R D E R

It is seen from the records that the petitioner's name has been entered in patta based upon the settlement deed said to have been executed by the respondent No.4 and 5. It also appears that the respondent No.4 and 5 cancelled the said settlement deed on certain grounds. A challenge has been made by the petitioner by seeking a declaration that the cancellation of settlement is null and void by duly filing a civil suit in O.S.No.319 of 2013 on the file of the District Munsif, Attur. In the meanwhile, respondent No.3 changed the patta once again in the name of the respondent No.4 and 5 based upon the cancellation of settlement deed. Alleging that said action has been taken behind the back of the petitioner without affording opportunities to the petitioner, the present writ petition has been filed.

2 The law is quite settled that a patta issued by the revenue official is subject to decision of the Civil Court. Admittedly, petitioner has filed the comprehensive civil suit which is pending on the file of the District Munsif, Attur in O.S.No.319 of 2013. Thus, a direction is issued to the learned District Munsif Court, Attur to dispose of the suit in O.S.No.319 of 2013 within a period of 9 months from the date of receipt of a copy of this order. While doing so, the said Court shall not make any reliance upon the patta said to have been issued in favour of the respondent No.4 and 5. Based upon the decision to be rendered by the said Court, parties are at liberty to approach the respondent No.3 for appropriate relief.

3 It is made clear that if right has already been accrued to the parties based upon the patta which is in existence as on today or earlier, the subsequent change of patta shall not affect them. It would depend upon the Civil Court decision. Parties are also at liberty to file appropriate application in the pending suit if so advised.

4 Accordingly, the writ petition stands disposed of. No costs. Consequently, connected M.P.No.2 of 2015 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vaan

To

- 1 DISTRICT COLLECTOR
SALEM DISTRICT SALEM
- 2 REVENUE DIVISIONAL OFFICER
ATTUR SALEM DISTRICT
- 3 TAHSILDAR
ATTUR TALUK ATTUR SALEM DISTRICT
- 4 THE COMMERCIAL TAX OFFICER,
ATTUR RURAL CIRCLE,
ATTUR, SALEM.
- 5 THE DEPUTY CHIEF INSPECTOR OF FACTORIES,
SIPCOT HOUSING BOARD COMPLEX,
HOSUR KRISHNAGIRI DISTRICT.

2 CCs to Mr.A.Thiagarajan, Advocate SR.No. 43091
1 CC to Mr.P.Jagadeesan, Advocate SR.No. 43196
1 CC to the Government Pleader, SR.No. 43462

W.P.No.28322 of 2013
and M.P.No.2 of 2013

RSI (CO)PSI (02.09.2015)