

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36140 of 2016 &

W.M.P.Nos.31088 & 31089 of 2016

&

31654/2016

S.P.Velayutham

.. Petitioner

Vs.

1. The Settlement Officer,
Survey House,
Chepauk, Chennai - 600 005.
2. The Assistant Settlement Officer (North),
Survey House,
Chepauk, Chennai - 600 005.
3. The Settlement Tahsildar,
Alandur,
Kancheepuram District.
4. S.Sakthivel,
Chief Executive Officer,
Great Lakes Multi-State Co-operative
Housing Society Limited,
No.76/190, South Car Street,
Srivilliputhur - 626 125,
Virudhunagar District.
5. N.Pankajam
Rep. by her Power of Attorney Agent
Subburam
(R.5 impleaded as per Order dated 08.11.2016
by BRJ in WMP No.32299 of 2016 in W.P.
No.36740 of 2016) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order dated 06.10.2016 passed in Na.Ka.No.E2/5920/2016 on the file of the first respondent and direct the first respondent to pass an order in Na.Ka.No.E2/5920/2016.

For Petitioner : Mr.K.Surendar
For Respondents: Mr. A.Kumar,
Spl. Government Pleader - R1 to R3
Mr.R.Shanmugasundaram
Sr.Counsel for Om Sai Ram - R4
Mr.P.Krishnan - R5

ORDER

This Writ Petition has been filed to quash the order dated 06.10.2016 passed in Na.Ka.No.E2/5920/2016 on the file of the first respondent and direct the first respondent to pass an order in Na.Ka.No.E2/5920/2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The main contention of the petitioner is that in an earlier occasion, the Settlement Officer has granted an interim order. But without giving an opportunity of hearing to the petitioner, the said interim order has been vacated. Aggrieved against the same, the petitioner has filed the present Writ Petition. He has further stated that he has already preferred an appeal before the Settlement Officer and the same is pending. He has also restricted his prayer that in view of the fact that the said appeal is pending for final hearing before the authority concerned on 09.12.2016, a direction may be issued to dispose of the same and till such time, the interim order may be ordered to be continued. Further, he would mainly contend that Great Lakes Society claims to have purchased the disputed property from Pankajam (fifth respondent) on the premise that she was the wife of Ramasamy Reddiar. However, it is evident from the impleading petition of the said Pankajam and from the typed set of papers, that in fact she is the wife of Ramasamy Pathar, who had no connection with the disputed property. Therefore, he would contend that it is a clear case of impersonation and forgery and even a criminal investigation is pending. Therefore, he seeks that the patta issued in favour of Great Lakes Society be cancelled. Further, he would contend that patta has been issued even before the sale deed is being released.

4. The learned counsel for the respondents 1 to 3 would contend that the interim order has been vacated only after filing of the counter and would further submit that the appeal is pending for final hearing on 09.12.2016.

5. In view of the appeal pending for final hearing on 09.12.2016, as parties are to agitate their respective stand only in the final hearing of main case, it is suffice to direct the first respondent to give opportunity to both sides and pass an appropriate Order on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. In the meanwhile, the interim order, which was originally granted by the appellate authority, will continue till disposal of the final order to be passed by the Settlement Officer in the appeal as there was an interim order granted by this Court also.

6. With the above observations, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vrc

To

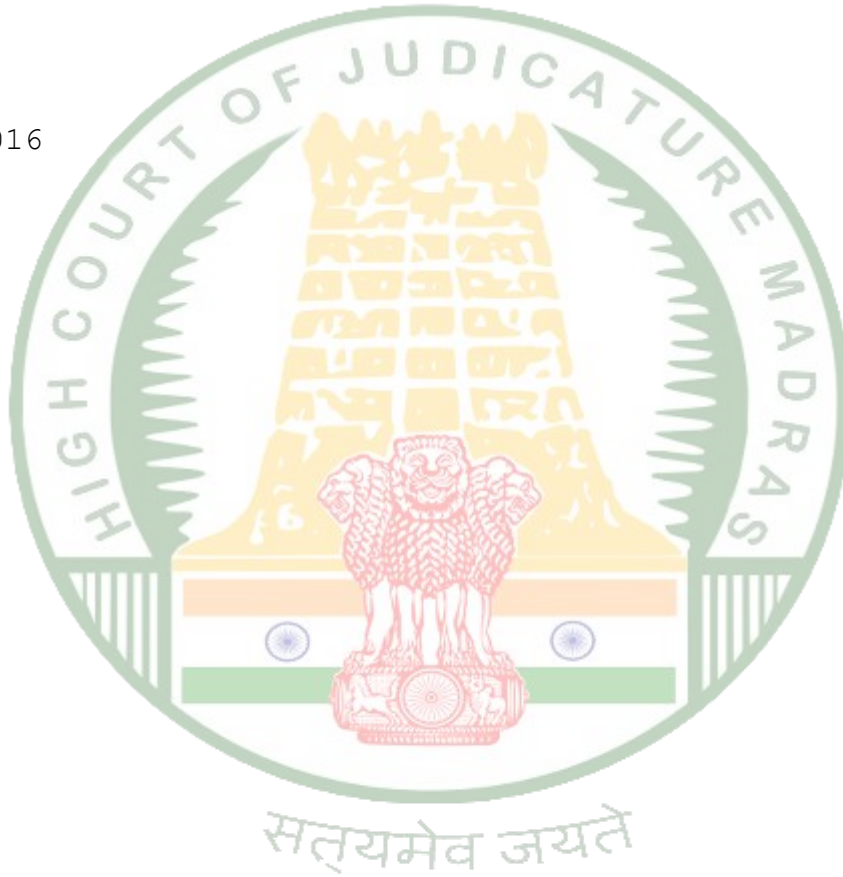
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3. The Settlement Tahsildar,
Alandur,
Kancheepuram District.

+2 ccs to M/s.Om Sai Ram Advocates & Legal
Consultants sr 69814/16

+5 ccs to Mr.K.Surendar Advocate sr 70173
+1 cc to Government Pleader High Court Madras
sr 70561

W.P.No.36140 of 2016

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