

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.Nos.377 to 379 of 2017
and W.M.P.Nos.407 to 412 of 2017
and W.P.No.7027 of 2016
and W.M.P.No.6239 of 2016

W.P.Nos.377 to 379 of 2017:

V.Sekar

.... Petitioner in W.P.Nos.377
to 379 of 2017

Vs

1. The Tahsildar,
Sholinganallur, Chennai-600119.

2. The Revenue Divisional Officer,
Tambaram, Chennai- 600 045.

3. The District Revenue Officer,
Kancheepuram District.

4. The District Collector,
Kancheepuram District.

... Respondents 1 to 4 in
W.P.Nos.377 to 378 of 2017

5. S.Natarajan

... 5th Respondent in
W.P.No.377/2017

5.S.Balu

सत्यमेव जयते ... 5th Respondent in
W.P.No.378/2017

5.M.S.Thiagarajan

... 5th Respondent in
W.P.No.379/2017

W.P.No.7027 of 2016:

1.D.Selvaraj

2.M.S.Thiagarajan

3.S.Balu

... Petitioners

Vs.

- 1.The District Collector,
Kancheepuram District.
- 2.The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.
- 3.The Head Surveyor,
Sholinganallur Taluk,
Kancheepuram District.
- 4.The Surveyor,
Sholinganallur Taluk,
Kancheepuram District.
- 5.The Village Administrative Officer,
Injambakkam Village,
Injambakkam, Chennai.
- 6.Rangan
The Village Administrative Officer,
Injambakkam Village,
Injambakkam, Chennai.
- 7.V.Sekar ... Respondents

W.P.No.377 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus and quash the impugned show cause notice dated 28.10.2016 in Na.Ka.No.12371/2016/Aa issued by the 1st respondent and to restrain the 1st respondent from passing any further orders in the Application for patta transfer dated 17.06.2016 made by the 5th respondent.

W.P.No.378 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari calling for the records in relation to impugned order dated 29.04.2014 passed by the 1st respondent in Patta Transfer approval File No.8A 1865/1423 in Patta Transfer Application No.RPT.1835/14 and the consequent issuance of Separate Patta No.5587 to the 5th respondent and quash the same.

W.P.No.379 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari calling for the records in relation to impugned order dated 25.02.2014 passed by the 1st respondent in Patta Transfer approval File No.8A 1594/1423 in Patta Transfer Application No.RPT.5241/13 and the consequent issuance of Separate Patta No.5533 to the 5th respondent and quash the same.

W.P.No.7027 of 2016 filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari calling for the entire records in connection with the impugned notice Na.Ka.6087/2015/B2 dated 22.01.2016 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.V.Prakash, Senior Counsel,
(in W.P.Nos.377 to 379/2017) Ms.S.Shalini

For Petitioners : Mr.V.Srikanth
(in W.P.No.7027/2016)

For Respondents : Mr.S.N.Parthasarathi
(W.P.Nos.377 to 379 of 2017- R1 to R4 Government Advocate
and 7027/2016 - R1 to R6)

W.P.No.377 of 2017 : Mr.K.Elango (R5)

W.P.Nos.378 & 379 of 2017 : Mr.V.Srikanth (R5)

W.P.No.7027/2016 : Mr.V.Prakash, Senior Counsel
for Ms.S.Shalini (R7)

C O M M O N O R D E R

W.P.No.7027 of 2016 has been filed by the petitioners viz., D.Selvaraj, M.S.Thiagarajan, S.Balu to issue a Writ of certiorari to call for the records in respect of the impugned notice dated 22.01.2016 passed by the 2nd respondent and to quash the same.

2.W.P.No.377 of 2017 has been filed by the petitioner viz., V.Sekar to issue a Writ of certiorarified Mandamus and to quash the impugned show cause notice dated 28.10.2016 issued by the 1st respondent and to restrain the 1st respondent from passing any further orders in the Application dated 17.06.2016 made by the 5th respondent.

3.W.P.No.378 of 2017 has been filed by the petitioner viz., V.Sekar to issue a Writ of certiorari to call for the records in relation to impugned order dated 29.04.2014 passed by the 1st respondent in Patta Transfer Approval File in Patta Transfer Application and the consequent issuance of Separate Patta to the 5th respondent and to quash the same.

4.The very same petitioner viz., V.Sekar has filed W.P.No.379 of 2017 to issue a Writ of certiorari to call for the records in relation to impugned order dated 25.02.2014 passed by the 1st respondent in Patta Transfer Approval File in Patta Transfer Application and the consequent issuance of Separate Patta to the 5th respondent and to quash the same.

5.Heard Mr.V.Prakash, learned senior counsel appearing for the petitioner in W.P.Nos.377 to 379 of 2017/7th respondent in W.P.No.7027 of 2016, Mr.K.Elango learned counsel appearing for the 5th respondent in W.P.No.377 of 2017, Mr.V.Srikanth, learned counsel appearing for the 5th respondent in W.P.Nos.378 & 379 of 2017/petitioners in W.P.No.7027 of 2016 and Mr.S.N.Parthasarathi, learned Government Advocate appearing for the official respondents in all the Writ Petitions.

6.Mr.V.Prakash, learned senior counsel for the 7th respondent in W.P.No.7027 of 2016 and Mr.V.Srikanth, learned counsel for the 5th respondent in W.P.No.377 of 2017 submitted that the respective respondents have no objection for allowing the Writ Petitions in W.P.No.7027 of 2016 and W.P.No.377 of 2017.

7.In view of the same, the impugned show cause notice dated 22.01.2016 and 28.10.2016 are set aside.

8.So far as the Writ petitions in W.P.Nos.378 & 379 of 2017 are concerned, Mr.V.Prakash, learned senior counsel for the petitioner and Mr.V.Srikanth, learned counsel for the 5th respondent submitted that it would be suffice to direct the Civil Court to dispose of the pending eight suits within a time frame and till such time, the parties may be directed to maintain status quo with regard to alienation as well as with regard to mutation of records.

9.Further, the learned counsel on either side also produced a list of Civil suits pending before the Principal District Munsif Court, Alandur, which are as follows:

- (i)O.S.No.693 of 2000
- (ii)O.S.No.516 of 2006
- (iii)O.S.No.274 of 2006
- (iv)O.S.No.717 of 2009
- (v)O.S.No.124 of 2011

The learned counsel on either side also produced a list of suits pending before the Additional District Munsif Court, Alandur, which are as follows:

- (i)O.S.No.352 of 2002
- (ii)O.S.No.268 of 2012
- (iii)O.S.No.640 of 2015

10.The learned counsel on either side also submitted that the suits pending on the file of the Additional District Munsif Court, Alandur may be transferred to the file of the Principal District Munsif Court, Alandur for simultaneous trial along with the other suits.

11.In view of the submissions made by the learned counsel on either side, I withdraw and transfer the suits in O.S.Nos.352 of 2002, 268 of 2012 and 640 of 2015 pending on the file of the Additional District Munsif Court, Alandur to the file of the Principal District Munsif Court, Alandur for simultaneous trial along with O.S.Nos.693 of 2000, 516 of 2006, 274 of 2006, 717 of 2009 and 124 of 2011 pending on the file of the Principal District Munsif Court, Alandur. The Principal District Munsif, Alandur is directed to try all the 8 suits by conducting simultaneous trial and dispose of the same, on merits and in accordance with law within six months from the date of receipt of the papers from the Additional District Munsif Court, Alandur.

12.The parties are directed to maintain status quo with regard to alienation as well as with regard to mutation of revenue records till the disposal of the Civil Suits. The order of status quo is only in respect of the Writ Petitions in W.P.Nos.378 & 379 of 2017.

13.For the reasons stated above, the Writ Petitions in W.P.No.7027 of 2016 and W.P.No.377 of 2017 are allowed.

14.The Writ Petitions in W.P.Nos. 378 & 379 of 2017 are disposed of with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va/sji

To

- 1.The Principal District Munsif, Alandur.
- 2.The Additional District Munsif, Alandur.
3. The Tahsildar,
Sholinganallur, Chennai-600119.

4. The Revenue Divisional Officer,
Tambaram, Chennai- 600 045.

5. The District Revenue Officer,
Kancheepuram District.

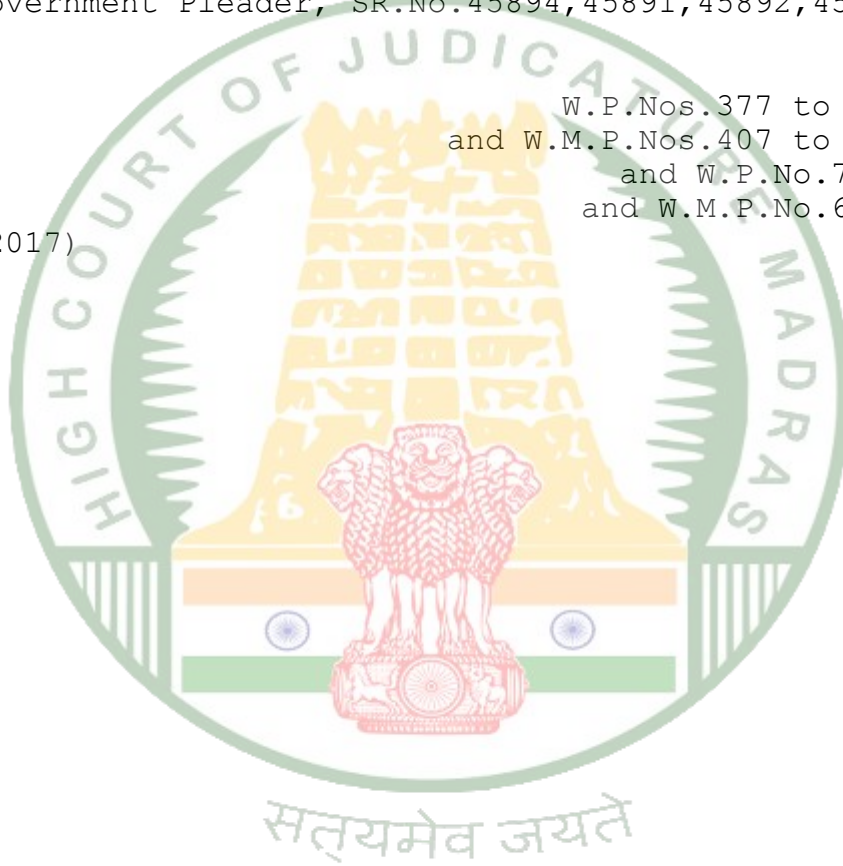
6. The District Collector,
Kancheepuram District.

+2cc to Mr.S.Shalini, Advocate SR.No.45949

+1cc to Government Pleader, SR.No.45894,45891,45892,45893

W.P.Nos.377 to 379 of 2017
and W.M.P.Nos.407 to 412 of 2017
and W.P.No.7027 of 2016
and W.M.P.No.6239 of 2016

GN(18/07/2017)



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