

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2017

Coram

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No.3852 of 2014 &
M.P.Nos.1 & 2 of 2014
& WMP.No.2796 of 2016

P.KARTHIKEYAN

S/O.PARTHASARATHY NO.2/66 VARADAPPA MUDALI
ST NAZARATHPETTAI CHENNAI 123

..... PETITIONER

Vs

- 1 THE SECRETARY TO GOVERNMENT
GOVT. OF TAMILNADU,
REVENUE DEPT. FORT ST. GEORGE,
CHENNAI 9
- 2 THE REVENUE DIVISIONAL OFFICER
THE R.D.O. OFFICE, THIRUVALLUR 602 001
- 3 THE TAHSILDAR
POONAMALLEE, THIRUVALLUR DISTRICT
- 4 NARAYANA CHETTIAR
S/O.VENU CHETTIAR NO.1/72 THIRUPUR KUMARAN
STREET NAZARATHPETTAI CHENNAI 123
- 5 The District Revenue Officer
Office of the District Collector
Thiruvallur.
[R-5 is impleaded as per
Order Dated:29/02/2016 by R.P.S. J. in WMP.
2793/2016 in WP.3852/2014]

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, certiorarified to call for the records relating to the order dt 20.1.2014 of the 2nd respondent in proceedings No. Na. Ka. 1196/13/A5 in respect of the property measuring about 11399 sq.ft. comprised in old Survey No.10 New Survey No. 47/28 and quash the same and consequently direct the 3rd respondent to make necessary entries in the Revenue Records.

For Petitioner : Mr.S.S.Swaminathan

For Respondents 1 to 3 & 5 : Mr.S.Rajeswaran,
Spl.G.P.

For Respondent-4 : Mr.M.Velmurugan

O R D E R

Petitioner has come up with the present writ petition challenging the order of the Revenue Divisional Officer wherein, the RDO has not only cancelled the patta in favour of the petitioner but also questioned the existence of title in his favour.

2.Learned counsel appearing for the fourth respondent would submit that the property in question was originally purchased and possessed by "Thaisai Nala Viduthi Dharma Stapanam' way back in the year 1976 itself and the petitioner had attempted to grab the property by creating false documents. However, a civil suit in O.S.No.3 of 2014 is also pending before the Sub Court, Poonamallee.

3. A perusal of the order of the Revenue Divisional Officer would reveal that there exists a rival claim with regard to the title of the property. The Revisional Authority has also made it clear that the parties can very well agitate their grievance before appropriate civil forum. It would be suffice to state that pending civil proceedings the petitioner has approached this court. As rightly pointed out by the Revisional Authority the parties can very well agitate their grievance before the appropriate civil forum. Hence, I do not find any illegality or infirmity in the order passed by the Revenue Divisional Authority.

4. Hence, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

smi

To

1 THE SECRETARY TO GOVERNMENT
GOVT. OF TAMILNADU,
REVENUE DEPT. FORT ST. GEORGE,
CHENNAI 9

2 THE REVENUE DIVISIONAL OFFICER
THE R.D.O. OFFICE, THIRUVALLUR 602 001

3 THE TAHSILDAR
POONAMALLEE, THIRUVALLUR DISTRICT

4 The District Revenue Officer
Office of the District Collector
Thiruvallur.

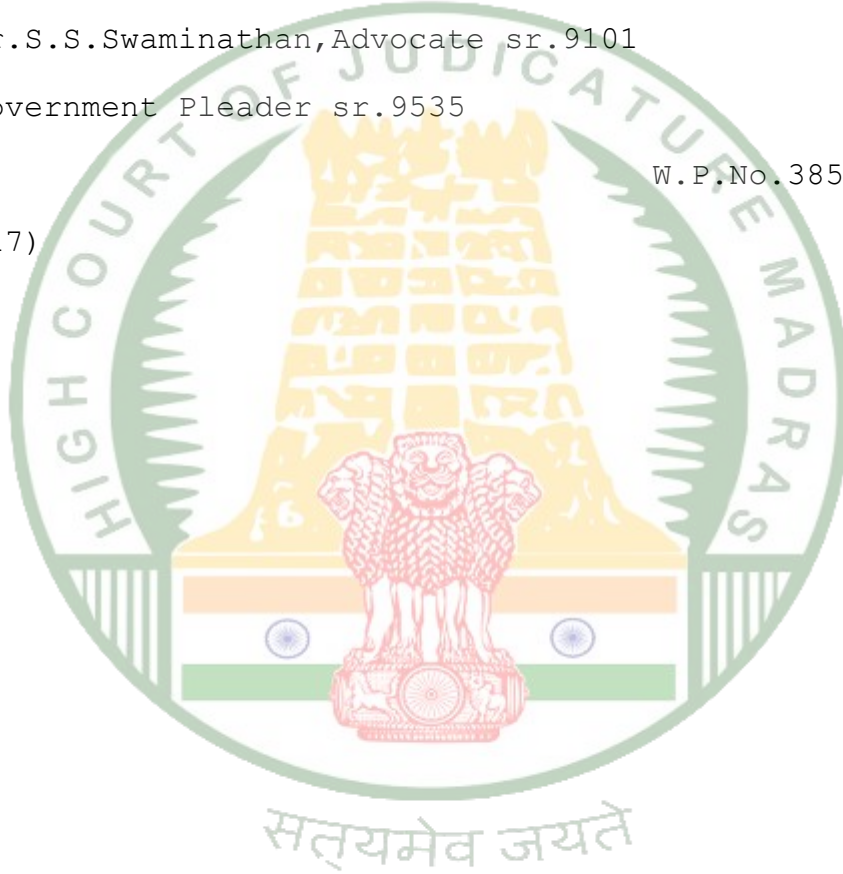
+1cc to Mr.M.Velmurugan,Advocate sr.9223

+1cc to Mr.S.S.Swaminathan,Advocate sr.9101

+1cc to Government Pleader sr.9535

W.P.No.3852 of 2014

sv(co)
ss(3/3/2017)



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