

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.No.2143 of 2004

and WPMP.No.2382 of 2004

V.Kaliyamoorthy

... Petitioner

Vs.

1.Karanthai Tamil Sangam
rep. by its Secretary,
T.K.V.Govindasamy.

G.Sundaram (died)

2. G.S.Dhanapal

3. G.S.Jayabal

4. G.S.Kannan

5. S.Challathurai

6. L.Vijayalakshmi

7. N.Komalavalli

8. G.Rajeswari

9. Sasikala

10. S.Muthu

11. S.Manoharan

12. Saradhambal

13. S.Sundari

14. Devika

15. Jansirani

16. Jagadeswari

17. S.Vasanthi

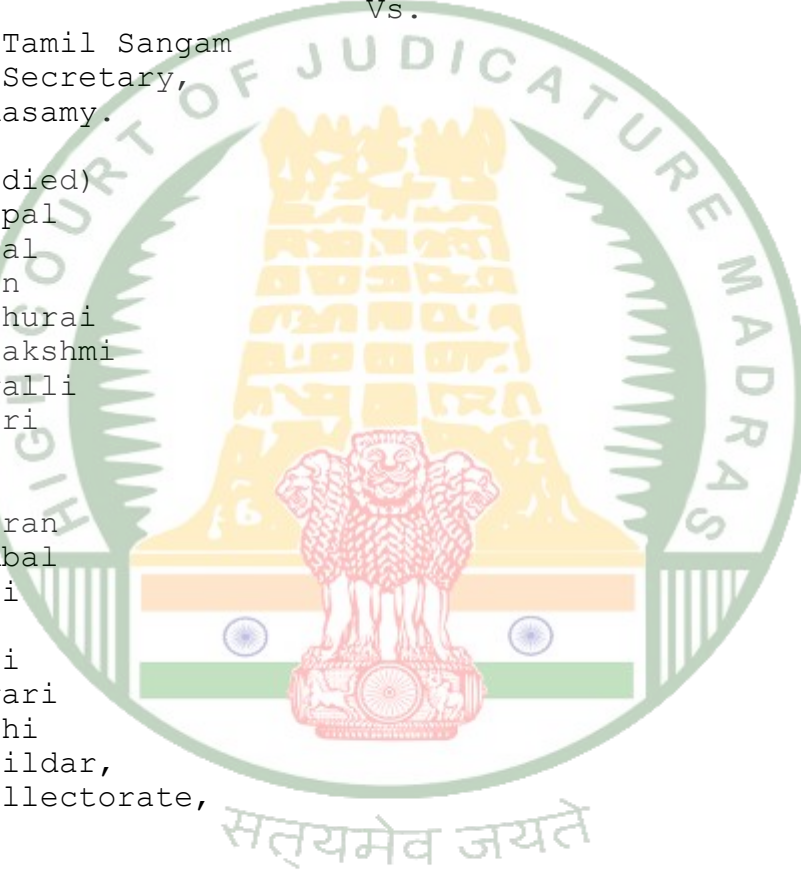
18. The Tahsildar,
Thanjavur Collectorate,
Thanjavur.

19. The Revenue Divisional Officer,
Thanjavur, Collectorate,
Thanjavur.

20. The Division Revenue Officer,
Thanjavur, Collectorate,
Thanjavur.

21. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records of the 21st respondent relating to proceedings P.Mu(K3)R.P.1/02(4185/2000), dated 13.02.2003 and quash the same.

For Petitioner : Mr.K.V.Subramanian

For Respondents : Mr.V.K.Vijayaragavan (for R1)

Mr.P.Amarnath (for R2 to R17)

Mr.M.Elumalai (for R18 to R21)
Government Advocate.

ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorari, to call for the records of the 21st respondent relating to Proceedings No.P.Mu(K3)R.P.1/02(4185/2000), dated 13.02.2003 and quash the same.

2.I have heard Mr.K.V.Subramanian, learned counsel appearing for the petitioner, Mr.V.K.Vijayaragavan, learned counsel appearing for the 1st respondent, who is the main contestant, Mr.P.Amarnath, learned counsel appearing for the 2nd to 17th respondents and Mr.M.Elumalai, learned Government Advocate appearing for the 18th to 21st respondents.

3.In the impugned order dated 13.02.2003, the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai, the 21st respondent herein, has set aside the order of granting joint patta passed by the Tahsildar concerned as well as the transfer of patta of the Tahsildar dated 25.04.1995 and the proceedings issued by the District Revenue Officer, Thanjavur District dated 29.11.1999 and directed that the disputed property shall stand in the name of the 1st respondent i.e., Karanthai Tamil Sangam. Challenging the said order of the 21st respondent dated 13.02.2003, the petitioner has filed this Writ Petition.

4.Even before the said order having been passed, the petitioner had filed a suit in O.S.No.26 of 2000 on the file of the learned District Munsif, Thanjavur, and subsequently, during the pendency of this Writ Petition, the 1st respondent i.e., the contesting respondent has also filed a suit in O.S.No.317 of 2007 before the said Court. It is submitted by the learned counsel appearing for the petitioner as well as the 1st respondent that, both the suits are pending before the said Court for adjudication.

5.The parties had already approached the competent Civil Court in respect of the disputed property, regarding which the impugned order was passed by the 21st respondent. Once the Civil Court takes a decision and Decree is passed in favour of either of the parties, the parties shall abide by such decision and accordingly, they can get the rights over the property in dispute. Since civil Court has already seized of the matter, this Court feels that the order impugned requires no interference, at this stage.

Without expressing any opinion on the merits of the order impugned herein, this Writ Petition is dismissed with the observation that both the parties shall abide by the result of the Suits referred to above filed by the petitioner as well as the 1st respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Tahsildar, Thanjavur
Collectorate, Thanjavur.

2. The Revenue Divisional Officer,
Thanjavur, Collectorate,
Thanjavur.

3. The Division Revenue Officer,
Thanjavur, Collectorate,
Thanjavur.

4. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

+1cc to Mr.V.K.VIJAYARAGHAVAN, Advocate, S.R.No.88888
+1cc to Mr.K.V.SUBRAMANI ASSO. Advocate, S.R.No. 89095
+1cc to the Government Pleader, S.R.No. 89072

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WPMP No.2382 of 2004

TR(29/01/2018)