

HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16971 of 2004

1. P. Srinivasan
2. P. Venkatachalapathy
3. P. Chandran
4. P. Ashokan

..Petitioners

Vs.

The Revenue Divisional Officer,
Chengleput Sub-Division,
Chengleput,
Kancheepuram District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records from the respondent in proceedings dated Mm.(KK) 1008/03 and quash the impugned order dated 17.02.2004 and further direct the respondent to pass appropriate orders on merit on the first petitioner's representation dated 03.02.2003 within a specific time frame.

For Petitioners :Mr.N.R. Anantha Ramakrishnan

For Respondent : Mrs. K. Bhuvaneswari

Government Advocate

ORDER

Writ Petition has been filed to call for the records from the respondent in proceedings dated Mm.(KK) 1008/03 and quash the impugned order dated 17.02.2004 and further direct the respondent to pass appropriate orders on merit on the first petitioner's representation dated 03.02.2003 within a specific time frame.

2. The petitioners are the brothers who filed this writ petition challenging refusal of grant of patta in their favour by the respondent on the ground of pendency of Original Suits in O.S.Nos.43 to 46 of 1998.

3. The brief facts of the case is as follows:

The petitioners' sister one Mrs.P.Aruna, who is the wife of Radhakrishnan, had purchased the aforesaid property from one H.V.Shah under registered Sale Deed dated 29.03.1974. Thereafter, the petitioners have orally purchased the property from their own sister. Thereafter, the petitioners filed original suit in O.S.No.276 of 1996 against their own sister. Ultimately, the suit was decreed in favour of the petitioners. Subsequent to the decretal of suit, the revenue records were muted in their favour.

4. While so, the petitioner alleges that the tenants, in order to grab the property filed the Original Suit in O.S.Nos.62 to 64 of 1997 and O.S.No.84 of 1997 filed by the tenants viz., Nagarajan, Sultan, Fathima Beevi and Kamala Prasad respectively are still pending on the file of District Munsif Court, Thirukazhukundram.

5. The petitioners also filed the suits against the tenants in O.S.Nos.42 to 46 of 1998 before the Sub-Court, Chengalpet. But the present challenge is that already the revenue records were mutated in favour of the tenants. As against the mutation of the revenue records, since the respondent has rejected the appeal, the petitioners have approached the respondent, who is the Appellate Authority, by way of representation dated 03.02.2003, seeking cancellation of the clandestine patta in favour of the tenants.

6. In view of the pendency of the O.S.Nos.62 to 64 of 1997 and O.S.No.84 of 1997 and on the above facts and circumstances of the case, I do not find any error or infirmity in the order passed by the respondent. It is made clear that unless the competent civil forum decides the title, the revenue authorities cannot consider the patta under the Patta Pass Book Act.

7. In the result, the writ petition is dismissed. It is open to the petitioner that after the order being passed by the competent court, the petitioners may approach the revenue authority for appropriate order under the Patta Pass Book Act.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

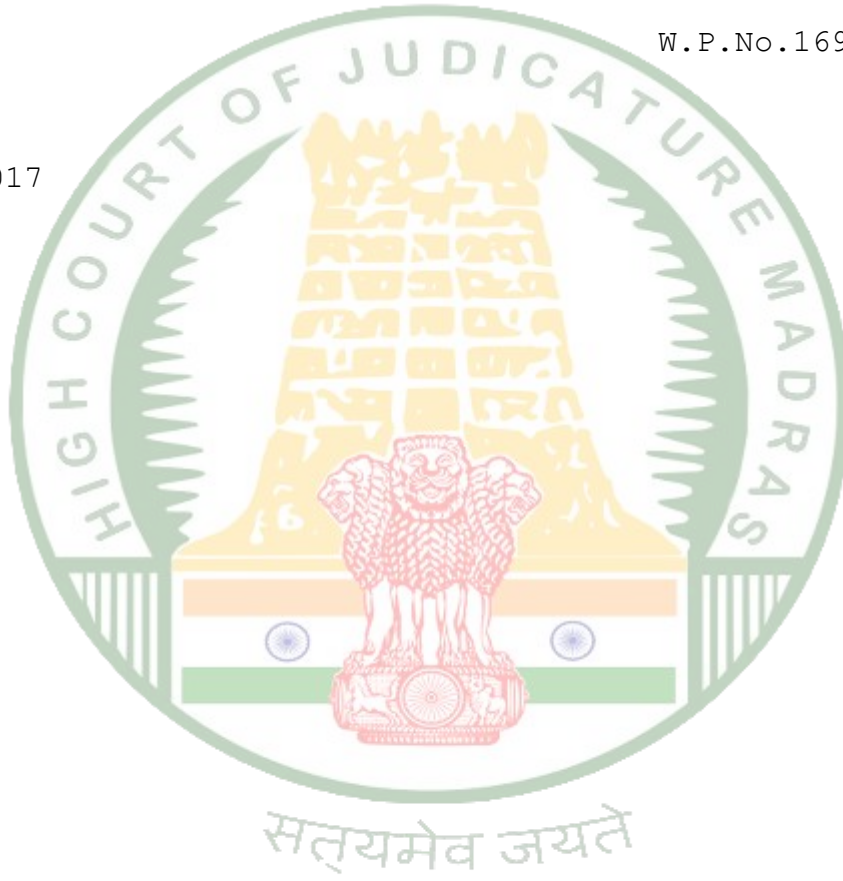
gv/gmd

To
The Revenue Divisional Officer,
Chengleput Sub-Division,
Chengleput,
Kancheepuram District

+1 cc to the Government Pleader sr 64101.

W.P.No.16971 of 2004

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