

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11798 of 2016
and
W.M.P.No.10179 of 2016

Nallasura Ravi Reddy ... Petitioner

vs.

1. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

2. The Tahsildar,
Gumidipoondi - 601 201.

3. Nachammal

4. The Registrar General
High Court, Madras
(R4-Suo moto impleaded as per order
dt.19.9.2018 in WP.1178/16

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari, calling for the records in Na.Ka.No.256/2016/A1 dated 19.02.2016 on the file of 2nd respondent and quash the same.

For Petitioner : M/s.P.R.Balasubramanian

For Respondents 1&2 : Mrs. A.Shrijayanthy
Spl.Government Pleader

No appearance for R3.

O R D E R

The order dated 19.02.2016 issued by the 2nd respondent Tahsildar is under challenge in this writ petition. The issue is in relation to the grant of patta in favour of the writ petitioner.

2. The learned Special Government Pleader brought to the notice of this Court that, the order dated 19.02.2016 is only a consequential order issued based on the original order passed by the Revenue Divisional Officer, Ponneri in proceeding dated 09.02.2016. Thus, the writ petition cannot be entertained in view of the fact that, the Revenue Divisional Officer has already passed an order on 09.02.2016 and the writ petitioner has to prefer an appeal against that order under the provisions of the Act.

3. The learned counsel for the writ petitioner also fairly made a submission that the civil suit between the parties are pending and the writ petitioner also well prefer an appeal if so decides against the order passed by the Revenue Divisional Officer in proceeding dated 09.02.2016.

4. However, this Court is of an opinion that for the purpose of getting an interim order in respect of possession or otherwise, the writ petitioner is at liberty to approach the Civil Court by filing an interlocutory application or otherwise. In respect of the order passed by the Revenue Divisional Officer, the writ petitioner is at liberty to prefer an appeal before the Appellate Authority for adjudication.

5. It is brought to the notice of this Court that the order dated 09.02.2016 issued by the Revenue Divisional Officer, Ponneri had not been served immediately and the same has been served subsequently. However, the Appellate Authority shall consider condoning of the delay if any appropriate petition is filed by the writ petitioner along with the appeal. This being the factum of the case, no further adjudication is required in this present writ petition. Accordingly, the writ petition stands disposed of. There shall be no order as to Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

2. The Tahsildar,
Gumidipoondi - 601 201.

3. The Registrar General,
High Court, Madras

4. The Assistant Registrar (Rules),
High Court, Madras

5. The Section Officer, F Section,
High Court, Madras.

+1cc to Mr.P.R.Balasubramanian, Advocate SR.NO.71764

+1cc to Government Pleader SR.NO.72009

sm:13.11.2018