

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.47514 of 2006

and

M.P.No.1 of 2006

D.K.Loganatha Naidu (Deceased)

1. D.L.Girija

2. D.L.Ravindiran

3.D.L.Siva Kumar

4.N.S.Manjula

5.D.L.Padmini

6.D.L.Nagabooshanam

.. Petitioners

Versus

1. The Commissioner of Land Administration,
Chepauk, Chennai.

2. The Director of Survey & Settlement,
Chepauk, Chennai.

3. The Asst. Settlement Officer (North)
Chepauk, Chennai.

4. C.R.Narasimhalu Naidu

5. E.Ramakrishna Naidu

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, calling for the records of the first respondent in RC.No.K1/514/05 dated 19.05.2006, quash the same and further direct the first respondent to grant ryotwari patta to the petitioner with respect of Survey No.294/5 of Morai Village, Ambattur Taluk, Chengalpauk District for an extent of 28.10 acres.

For Petitioner : Mr.K.Subramaniam

For Respondents No.1 to 3 : Mr.Ravikumar
Addl. Government Pleader

For Respondents No.4 & 5 : Mr.S.Thanka Sivan

O R D E R

The petitioner and five other persons filed a petition before the Assessment Officer, claiming ryotwari patta. The Assessment Officer rejected their claim, thereafter they filed an appeal before the Settlement Officer, Villupuram. The Settlement Officer also confirmed the order. Thereafter, they preferred an appeal before the Land Administration Commissioner, Chepauk. The Land Administration Commissioner also confirmed the order passed by the Settlement Officer of Land Administration.

2.Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioners would submit that the petitioner has passed away and thereafter the legal heirs have been impleaded. However, the petitioner before his death instituted the civil suit before the competent civil forum and the civil suit is pending in O.S.No.147/2014, before the District Munsif Court, Ambattur. The learned counsel seek liberty of this Court to work out the remedy in the manner known to law.

4.Hence, the writ petition is dismissed with liberty to the petitioners to work out their remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

AT

1. The Commissioner of Land Administration,
Chepauk, Chennai.

2. The Director of Survey & Settlement,
Chepauk, Chennai.

3. The Asst. Settlement Officer (North)
Chepauk, Chennai.

+1cc to Mr.N.R.Anantha Rama krishnan, Advocate SR.No. 49713

+1cc to Mr.S.Thanka Sivan , Advocate SR.No.49643

+1 CC TO GOVERNMENT PLEADER SR.NO. 50396

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ASK(23/10/2018)