

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.12063 of 2016
and
W.M.P.No.10427 of 2016

K.Ramani

.. Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur.

2.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204.

3.The Tahsildar,
Ponneri Taluk,
Ponneri.

4.K.Anandan

... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent in his proceedings in R.C.No.3606/2014/(B3) dated 05.02.2016 and quash the same.

For Petitioner : Mr.V.Bhiman

For RR1 to 3 : Mr.N.Inbanathan
Additional Government Pleader

For R4 : Mr.N.R.Anantharama Krishnan

O R D E R

The writ petition has been filed to quash the proceedings of the first respondent in R.C.No.3606/2014/(B3) dated 05.02.2016.

2. Heard the learned counsel appearing on both sides.

3. Originally, the land in S.No.167/3 was owned by the father of the petitioner herein, who entered into an agreement

with one Kanjan Gopal, the father of the fourth respondent for selling the land in S.No.167/3, an extent of 1.24 acres for a consideration of Rs.4,500/-. Out of the sale consideration, a sum of Rs.4,000/- was received by the executant on 14.06.1977 and that the sale deed will be registered on payment of the balance of the amount. The father of the petitioner - Krishnasamy Mudaliar, has filed O.S.No.304 of 1987 for permanent injunction against the said Kanjan Gopal from interfering with his peaceful possession. The suit was decreed on 18.03.1991. While granting the decree for permanent injunction, in clause 2 of the decree, it was stated that if the defendant therein, namely, the father of the fourth respondent pays a sum of Rs.2,500/- within a month, the said injunction order would automatically get vacated and right of the plaintiff, who is the father of the petitioner, would get cancelled. It is stated that the defendant, namely, the father of the fourth respondent, had remitted a sum of Rs.2,500/- pursuant to the direction of the Court under DR 26 dated 11.04.1991. Later, there was also a partition in the family of the said Kanjan Gopal on 29.06.2006. In the said partition, the properties shown in 'C' schedule was allotted to the fourth respondent herein, including an extent of 1.24 acres in S.No.167/3. Further, the fourth respondent got his name entered in the Revenue Register in respect of the said lands vide order dated 19.12.2012 passed by the third respondent.

4. Aggrieved by the said order, the petitioner herein, preferred an appeal before the Revenue Divisional Officer, Ponneri to cancel the said entries in the name of the fourth respondent and restore the same in the name of the legal heirs of her deceased father Krishnasamy Mudaliar. The second respondent, who heard the appeal, quashed the order of the Tahsildar holding that the title to the property has to be established by creation of sale deed through the Court of Law had deleted the name of the fourth respondent and restored the name of Krishnasamy Mudaliar. Aggrieved by the said order of the second respondent, the fourth respondent had preferred Revision Petition before the District Revenue Officer, who is the first respondent herein and the first respondent allowed the revision. Hence, the petitioner laid challenge to the said order before this Court.

5. The question that arises for consideration is whether the petitioner is entitled to patta issued in her name.

6. Admittedly, the Civil Court decree in O.S.No.304/1987 dated 18.03.1991 on the file of the District Munsif, Ponneri is not disputed and had become final. It is also recorded by the first respondent in his order that the conditional order passed in the said decree was complied with as early as on 11.04.1991. The Civil Court decree had further stated that on payment of

such amount automatically, the title of the petitioner's father would get divested. Therefore, the plaintiff in that suit, namely, the father of the petitioner could neither get the relief of injunction nor the possession.

7. As already the Civil Court has decided the title of the fourth respondent, the first respondent had rightly directed the name of the fourth respondent to be entered in the revenue records, thus, quashing the order passed by the second respondent. As the petitioner has not established her title to get the revenue records mutated in her name and the District Revenue Officer had rightly quashed the order of the Revenue Divisional Officer, the impugned order does not warrant any interference.

8. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer,
Thiruvallur.

2.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204.

3.The Tahsildar,
Ponneri Taluk,
Ponneri.

+1cc to Mr.V.Bhiman, Advocate SR.No.37943

+1cc to Mr.N.R.Anantharama Krishnan, Advocate SR.No.37624

+1cc to Government Pleader SR.No.38245

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and
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SKV (CO)
GMY (27/05/2019)