

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1566 of 2013

1. G.V.Raghavan
2. G.V.Venugopal
Both represented by their
Power of Attorney G.Haridhos .. Petitioners

-vs-

1. The Revenue Divisional Officer
Chengalpet Taluk
Chengalpet
2. The Tahsildar
Chengalpet Taluk
Chengalpet
3. S.M.Murugappan
4. Mrs.Sabitha Devi ... Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.610/2009/AA2 dated 6.9.2010 modified by the first respondent in Na.Ka.No.3658/2010/AA dated 23.8.2012, quash the same as arbitrary, illegal and consequently direct the second respondent to issue patta to the petitioner in respect of their lands comprised in Survey No.50/1A3A, comprised in Plot Nos.51, 52 and 53 totally admeasuring 17 Cents, Ayyanchery Village, Ambika Nagar, Chengalpet Taluk, Kancheepuram District.

For Petitioners :: Mr.S.Ramesh
For Respondents :: Mr.E.Balamurugan
Special Government Pleader
for R1 & 2
Mrs.Selvi Rajesh for R3
Mr.V.B.Thirupathikumar for R4

ORDER

Heard learned counsel for the parties.

2. The crux of the issue raised in the present writ petition by both the petitioners and the contesting third and

fourth respondents is as to who is the owner of the land covered in Survey No.50/1, which is said to have been subsequently sub-divided as Survey Nos.50/1A, 50/1A2 & 50/1A3 in Ayyanchery Village, Chengalpet Taluk. This issue has not been decided by the Revenue Divisional Officer, Chengalpet, the first respondent herein while setting aside the order dated 6.9.2010 passed by the Tahsildar, Chengalpet, the second respondent herein. The Tahsildar, Chengalpet, by order dated 6.9.2010, while appreciating the complex and disputed issue raised by the petitioners on the one hand and that of the second and third respondents on the other hand in respect of the land in question, has rightly advised the parties to approach the competent civil Court to resolve their issue. When the said order was taken on appeal before the first respondent by the petitioners and the third respondent, it is pleaded by the learned counsel for the petitioners that the first respondent, while answering the issue raised by the third respondent, has not answered the issue raised by the petitioners. Therefore, the parties should resolve the issue before the civil Court. The learned counsel for the fourth respondent also stated that when the issue is to find out the owner of the land covered in Survey No.50/1, which has been sub-divided subsequently, the order passed by the Tahsildar directing the parties to approach the civil Court should not have been disturbed. As it has been cancelled by the first respondent, the impugned order has to go and the parties, as advised by the Tahsildar, should approach the civil Court to resolve the issue.

3. The learned Special Government Pleader for the respondents 1 & 2 also submitted that as per the revenue records, the land in question is shown as "Grama Maaniam", therefore, the matter has to be considered by the civil Court.

4. When the learned counsel for the parties have jointly conceded before this Court that the issue raised in the writ petition needs to be decided only by the civil Court, with the consent of the parties, the impugned order passed by the first respondent is set aside and the parties are given liberty to resolve their dispute before the competent civil Court. With this observation, the writ petition stands disposed of. Consequently, M.P.No.2 of 2013 is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ss

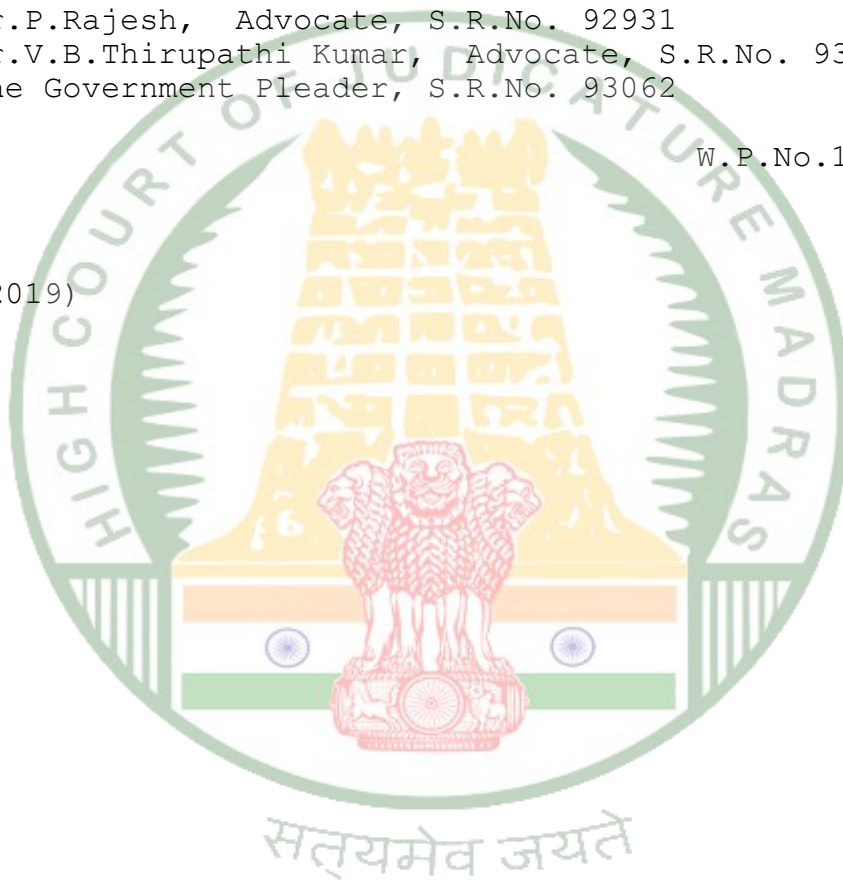
To

1. The Revenue Divisional Officer
Chengalpet Taluk
Chengalpet
2. The Tahsildar
Chengalpet Taluk
Chengalpet..

+1cc to Mr.S.Ramesh, Advocate, S.R.No. 92247
+1cc to Mr.P.Rajesh, Advocate, S.R.No. 92931
+2cc to Mr.V.B.Thirupathi Kumar, Advocate, S.R.No. 93215
+1cc to the Government Pleader, S.R.No. 93062

W.P.No.1566 of 2013

PA (CO)
GN (20/12/2019)



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