

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.25373 of 2009

Balaraman

.. Petitioner

Vs

1.The Commissioner of
Land Administration,
Chepauk, Chennai - 5.

2.The Revenue Divisional Officer,
Thiruvannamalai District.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

4.Malliga

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to Na.Ka.No.a3/8325/02, dated 08.04.2003 passed by the second respondent and quash the same as null and void.

For petitioner : Mr.P.R.Balasubramanian

For R1 to R3 : Mr.K.Ravikumar, AGP

For R4 : Mr.D.Selvaraju

ORDER

The present writ petition is directed against the impugned order dated 08.04.2003 passed by the second respondent / the Revenue Divisional Officer, Thiruvannamalai District, reversing the order dated 07.11.2002 passed by the third respondent / the Tahsildar, Chengam Taluk, Tiruvannamalai District, including the petitioner's name in the joint patta.

2. It is stated by the learned counsel for the petitioner that since the suit filed by the petitioner in O.S.No.148 of 2003 is pending on the file of the Sub Court, Tiruvannamalai, the Revenue Authorities ought not to have

interfered with the title and ownership issue of the petitioner's land.

3. It is, at this stage, learned counsel appearing for the fourth respondent stated that the fourth respondent had also filed a suit in O.S.No.286 of 2004 on the file of the District Munsif Court, Chengam, seeking permanent injunction, whereby, the learned District Munsif Court, vide its judgment and decree dated 02.07.2013, decreed the suit in favour of the fourth respondent. Against which, an appeal has been filed before the Additional Sub-Court, Tiruvannamalai. Therefore, it is pleaded, the order passed by the second respondent reversing the order of the third respondent including the name of the petitioner as joint pattadar is perfectly valid.

4. This Court also finds merit on the above said submissions. When the suit filed by the fourth respondent in O.S.No.286 of 2004 seeking permanent injunction restraining the petitioner not to interfere with her peaceful possession has been decreed in her favour directing the petitioner to handover the suit property to her, this Court, sitting under Article 226 of the Constitution of India, is not inclined to interfere with the impugned order dated 08.04.2003 passed by the second respondent reversing the order dated 07.11.2002 passed by the third respondent including the name of the petitioner as joint pattadar.

5. Besides, it is seen that, against order of second respondent, when appeal was preferred by the petitioner, the District Revenue Officer, Tiruvannamalai, vide proceedings dated 27.05.2005, confirmed the impugned order passed by the second respondent holding that the learned District Munsif Court, Chengam, vide judgment and decree dated 02.07.2013 passed in O.S.No.286 of 2004, had already decreed the suit in favour of the fourth respondent. Thus, in my considered view, the petitioner, having lost his case before the Civil Court, has no locus-standi to question the impugned order passed by the third respondent.

6. Therefore, for the reasons stated above, the writ petition fails and the same is dismissed as devoid of any merit. No Costs. M.P.No.2 of 2009 is closed.

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of
Land Administration,
Chepauk, Chennai - 5.

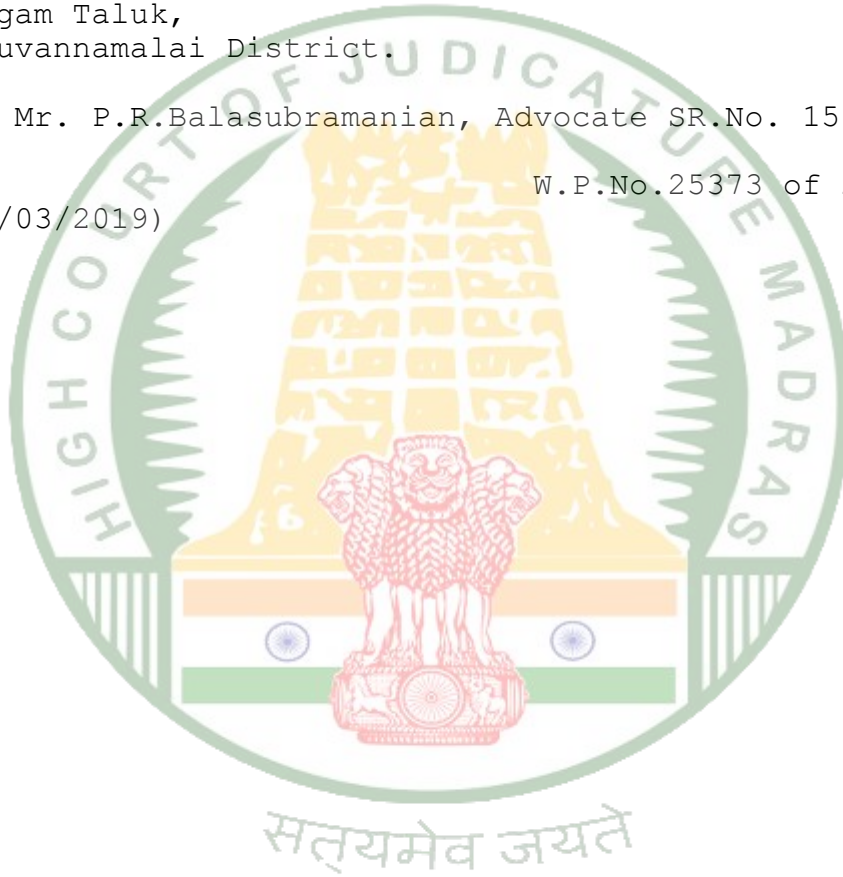
2.The Revenue Divisional Officer,
Thiruvannamalai District.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

+1cc to Mr. P.R.Balasubramanian, Advocate SR.No. 15927

W.P.No.25373 of 2009

A.SK(14/03/2019)



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