

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8124 of 2012
and M.P.No.1 of 2012

B.Ramachandhiran

...Petitioner

vs.

1.The District Revenue Officer,
Collector's Office,
Singaravelar Maaligai,
Chennai - 600 001.

2.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai - 600 008.

3.S.Sakthivel

4.Velappan

5.Mr.Punniyakoti

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorari, to call for records on files of the 1st respondent in his proceedings in O3/40896/2010 dated 23.02.2012 and quash the same as invalid, illegal and unconstitutional.

For Petitioner : Mr.T.V.Lakshmanan

For Respondents : Mr.A.N.Thambi Durai for R1 & R2
Special Government Pleader
Mr.V.Monohar for R3
Mr.S.Udaya Kumar for R4 & R5

ORDER

The Writ Petition has been filed by the petitioner to quash the impugned order passed by the first respondent in his proceedings in O3/40896/2010 dated 23.02.2012 as invalid, illegal and unconstitutional.

2.The case of the petitioner is that, according to the petitioner, the petitioner is the owner of the land in Town Survey No.18, earlier paimash No.182, in Puliyur Village (Village No.109), Egmore-Nungambakkam Taluk, T.Nagar Sub-Registration District, Chennai, like wise private respondents

also claiming title over the property, in which the petitioner as well as private respondents filed an application before the Tahsildar for grant of patta. Tahsildar granted patta to the petitioner as well as private respondents. Aggrieved by overlapping, the petitioner as well as private respondents filed appeal before the District Revenue Officer, the District Revenue Officer has cancelled all the patta and directed the parties to approach the Civil Court for establishment of title. Aggrieved by the said order, the writ petition has been filed before this Court.

3.The learned counsel appearing for the third respondent would submit that without going into the merits of the case, if any observation made by this Court it may influence to competent Civil Court and this Court may permit the fourth respondent to approach the competent Civil Court for declaration by impleading the petitioner as well as private respondents as one of the party to the suit and further this Court may observe without influencing any of the observations made by the District Revenue Officer as well as the Revenue Officials and pass decree in the suit filed by the fourth respondent.

4.Already, the fifth respondent instituted a suit in O.S.No.7328 of 2014 on the file of the VIII Assistant Judge, City Civil Court, Chennai, granted an exparte decree dated 13.03.2016. However, till date no one preferred appeal against that order. The learned counsel appearing for the fifth respondent would submit that this Court may grant liberty to other respondents including the petitioner to file an application to set aside the exparte decree in which the fifth respondent has no objection for restoring the suit.

5.The learned counsels appearing for the petitioner and the third respondent have agreed to file a restoration application before the VIII Assistant Judge, City Civil Court, Chennai.

6.In view of the consent view expressed by the learned counsels appearing for the petitioner and private respondents, I am inclined to grant liberty to the third and fourth respondent and the petitioner to file a restoration application/implead petition, if any such application is filed after recording that the fifth respondent has no objection, the learned VIII Assistant Judge, City Civil Court, Chennai is requested to restore the suit and liberally allow the restoration application and implead petition and pass appropriate orders after affording the opportunity.

7.With the above observation and direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The VIII Assistant Judge,
City Civil Court,
Chennai.

2.The District Revenue Officer,
Collector's Office,
Singaravelar Maaligai,
Chennai - 600 001.

3.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai - 600 008.

+1cc to Mr.V.Manchar, Advocate Sr.90019
+1cc to Mr.S.Udayakumar, Advocate Sr.90127
+1cc to the Government Pleader Sr.90407

सत्यमेव जयते W.P.No.8124 of 2012

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srg 12/12/2019

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