

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.4546 of 2013
and
M.P. Nos.1 and 2 of 2013

S.Arumugasamy

.. Petitioner

-vs-

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3.Revenue Divisional Officer,
Tambaram, Chennai.

4.The Tahsildar,
Tambaram Taluk,
Tambaram, Chennai.

5.Inspector of Police,
Peerankaranai Police Station,
Chennai.

6.C.M.Raju

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the order of the third respondent vide his proceedings in Na.Ka.No.2413/2012/A dated 23.11.2012 and quash the same and consequently direct the 3rd and 4th respondents to restore the patta No.2667 in favour of the petitioner.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader
for R1 to R5

Mr.K.Nirmalkumar for R6

ORDER

The writ petition has been filed challenging the impugned proceedings in Na.Ka.No.2413/2012/A dated 23.11.2012 issued by the third respondent and seeking a direction to respondents 3 and 4 to restore the patta No.2667 in favour of the petitioner.

2.Learned counsel appearing for the petitioner would submit that when the Tahsildar is the sole authority for issuance of patta under Section 10 of the Patta Pass Book Act, the impugned order ought not to have been passed by the Revenue Divisional Officer.

3.Learned Special Government Pleader appearing for respondents 1 to 5 would submit that the stand taken by the petitioner that the Revenue Divisional Officer, the third respondent has no authority and therefore, he should not have passed the impugned order does not hold water. The reason being that only for modification of any particulars in the patta, the Tahsildar has got the authority, but, with regard to the cancellation, only Revenue Divisional Officer is the authority. Since the cancellation order has been considered, the petitioner has to prefer a Revision before the District Revenue Officer, Kancheepuram.

4.Replying to the said submission, learned counsel appearing for the petitioner fairly submitted that there are two suits pending namely, one filed by the petitioner and another filed by the 6th respondent.

5.Learned counsel appearing for the sixth respondent, clarifying the pendency of the suits, would submit that when the petitioner has filed a suit for bare injunction, the sixth respondent has filed a suit for declaration of title and ownership. As these two suits are not disposed of and the issue with regard to the legal owner of the land in question is pending, the present writ petition cannot be entertained.

6.This Court, fully agreeing with the said submission and taking note of the fact that two suits are pending, i.e. one filed by the petitioner for bare injunction and another suit filed by the sixth respondent seeking judgment and decree for declaration of the land in question, directs the parties to approach the respective Courts for early disposal of their suits. After the judgment and decree passed, it is for them to work out their remedy. Accordingly, the writ petition stands disposed of. Consequently, connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3.Revenue Divisional Officer,
Tambaram, Chennai.

4.The Tahsildar,
Tambaram Taluk,
Tambaram, Chennai.

5.Inspector of Police,
Peerankaranai Police Station,
Chennai.

+1cc to Mr.K.Nirmal Kumar, Advocate, S.R.No. 84079

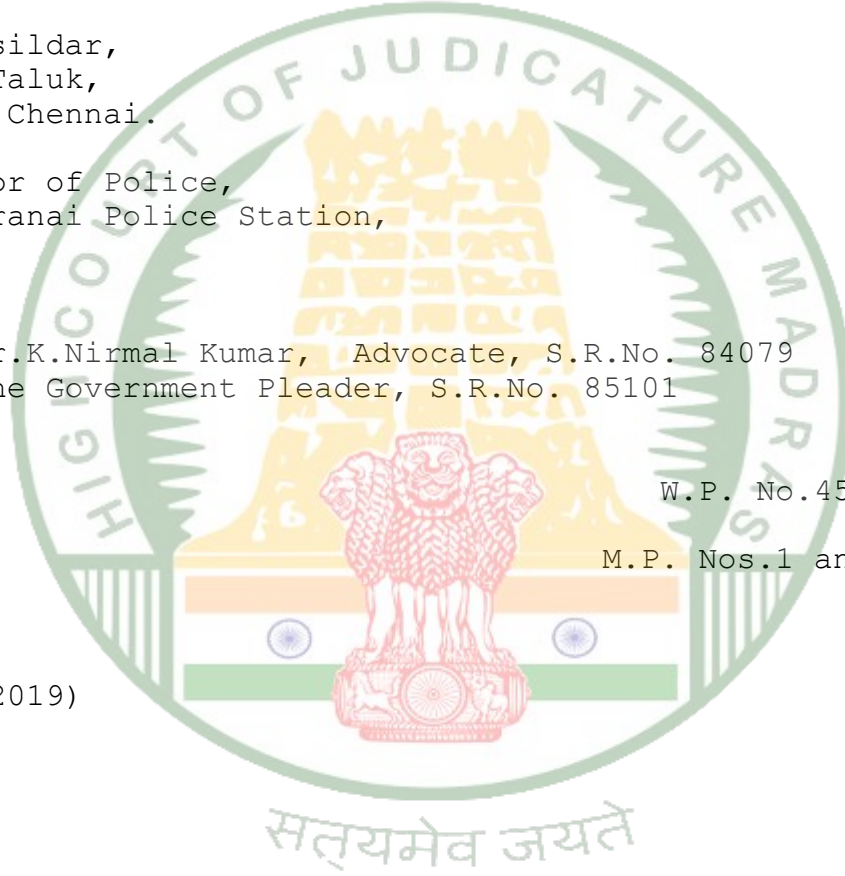
+1cc to the Government Pleader, S.R.No. 85101

W.P. No.4546 of 2013

and

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MR (CO)
GN (21/11/2019)



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