

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.03.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.21202 of 2018
and
W.M.P.Nos.24867 to 24869 of 2018
and
W.M.P.Nos.25871 & 25872 of 2018

1. D.Lakshmi
2. D.Manoharan
3. D.Rama
4. D.Uma
5. D.Latha
6. Kavitha
7. D.Jamuna

...Petitioners

Vs.

1. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
2. The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.
3. The Tahsildhar,
Thiruporur,
Thiruporur Taluk,
Kanchipuram District.
4. The Sub-Registrar,
Thiruporur,
Kancheepuram District.

5. D.Krishnamoorthi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No.1335/2018/N4 dated 28.07.2018 and quash the same and consequently direct the respondents 1 to 3 forthwith to restore the patta 1178 in respect of S.No.20/2A1 of Navalur Village to an extent of 54 ½ cents in the name of the petitioners herein.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mrs.AL.Ganthimathi

For Respondents: Mr.R.Govindasamy,
Special Government Pleader
for R1 to R3
Mr.P.P.Purushothaman,
Government Advocate for R4
Mr.T.V.Ramanujam,
Senior counsel for
Ms.R.Ramya for R5.

O R D E R

This writ petition is filed challenging the order of the first respondent dated 28.07.2018, wherein and whereby, the first respondent has deleted the name of the petitioners' vendor, Gopalakrishnan from the patta and directed the Tahsildar to issue the same in the name of the 5th respondent herein.

2. Heard learned senior counsel Mr.AR.L.Sundaresan, appearing for the petitioners, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 3, Mr.P.P.Purushothaman, learned Government Advocate appearing for the 4th respondent and Mr.T.V.Ramanujam, learned senior counsel appearing for the 5th respondent.

3. Though extensive arguments were advanced by both sides touching upon the respective title to the subject matter property, this Court is not inclined to go into such contentions and express any view, since, admittedly, a suit filed by the present petitioners as plaintiffs therein in O.S.No.191/2017 on the file of the District Munsif Court, Chenglepet, seeking for declaration and also another suit in O.S.No.13/2018 on the file of the Principal District Judge, Chenglepet, are pending between the parties in respect of the very same subject matter property. Therefore, when the Civil Suits are pending between the same parties where the title dispute is to be decided, it is for the parties to work out their remedy before the competent Civil court where the Civil Suits are pending. However, insofar as the impugned order is concerned, it is contended that the first respondent has chosen to pass the same by issuing notice to the petitioners' vendor's vendor without issuing notice to the petitioners, even though it was brought to his notice that patta is standing in the name of the petitioners, as has been found by the first respondent in the impugned order itself. Therefore, it is contended that the present impugned order, without hearing the petitioners is in violation of principles of natural justice.

4. Perusal of the impugned order would show that the first respondent has referred the names of the present petitioners and found that the patta stands in their name. When the first respondent has found that patta stands in the name of these petitioners, certainly, he ought to have issued notice to the petitioners as well, instead of issuing notice to the petitioners' vendor's vendor alone. Therefore, without going into the other aspects of the matter, this Court is convinced to set aside the impugned order, only on the ground that it is in violation of principles of natural justice. However, who has to get patta in respect of the subject matter can be considered and decided only after the disposal of the title suit which is pending before the competent Civil Court.

Therefore, this Writ Petition is allowed and the impugned order is set aside and the parties are directed to agitate their respective title dispute before the competent Civil Court, where the above said suits are pending. It is also open to the respective parties to make appropriate interim application before the competent Civil Court, if they are so advised, under the circumstances, for which, such application is to be filed. No costs. Consequently, connected connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

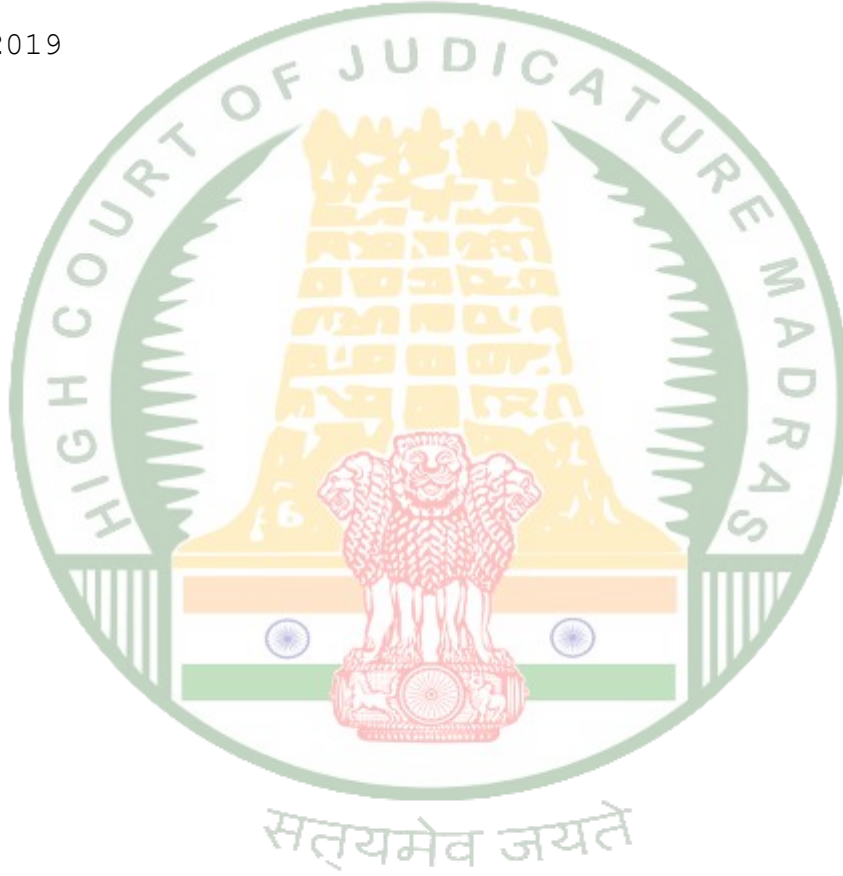
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Thiruporur Taluk,
Kanchipuram District.

4. The Sub-Registrar,
Thiruporur,
Kancheepuram District.

+1cc to M/s.R.Ramya, Advocate sr.30870
+1cc to Mrs.AL.Ganthimathi, Advocate sr.30816
+1cc to Government Pleader sr.31607
+1cc to Mr.K.S.Arumugam, Advocate sr.30344

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