



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 23119 of 2012
and
M.P. No. 1 of 2012

K.Dhanasingu ... Petitioner

Vs.

1. The Revenue Divisional Officer
Ariyalur Division
Ariyalur.

2. The Tahsildhar
Ariyalur Taluk
Ariyalur District.

3. S.Jayasankar ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for records pertaining to the orders of the second respondent in Na.Ka.A5/2335/2011 dated 14.03.2012 relating to cancellation of patta in survey no.538/9C of Keezhakolathur village, Ariyalur taluk, Ariyalur district and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondents: Ms.A.Madhumathi (For R1 & R2)
Special Government Pleader

Mr.N.Elayaraja (For R3)

ORDER

Heard Mr.S.Kamadevan, learned counsel for the petitioner and Ms.A.Madhumathi, learned Special Government Pleader for the first and second respondents and Mr.N.Elayaraja, learned counsel for the third respondent.

2. The petitioner seeks for issuance of writ of certiorari to



WEB COPY

quash the proceedings of the second respondent dated 14.03.2012, by which the name of the third respondent was included as joint pattadhar along with the petitioner in respect of the lands in question comprised in Survey No. 538/9C, Keezhakolathur village, Ariyalur Taluk and District, which has been sub-divided as 561, 9A, 9B, 9C.

3. Learned counsel for the petitioner submitted that the petitioner has filed a suit for declaration of his title over the property in question in O.S. No. 227 of 2011 on the file of District Munsif Court, Ariyalur and also prayed for consequential mandatory injunction to remove the encroachers. This suit was filed much prior to the inclusion of the name of the third respondent as joint pattadhar. In spite of the pendency of the suit, the authority has included the name of the third respondent. This order is impugned in this writ petition.

4. It is submitted that the suit has been decreed during the pendency of the writ petition. If that is so, it will be well open to the petitioner to produce the decree before the first respondent and the first respondent, on receipt of the same, shall issue notice to the petitioner and the third respondent, and ascertain as to whether any appeal has been filed by the third respondent, if any stay has been granted by the appellate court etc., after affording opportunity of personal hearing to both parties, namely, the petitioner and the third respondent, pass a speaking order on merits and in accordance with law.

5. The above direction be complied with by the first respondent within a period of three months from the date on which the petitioner files a copy of the judgment passed by the civil court. The Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

may a

To

1. The Revenue Divisional Officer
Ariyalur Division
Ariyalur.



2. The Tahsildhar
Ariyalur Taluk
Ariyalur District.

+1cc to Mr.N.Elayaraja, Advocate, S.R.No. 18444
+1cc to Mr.S.Kamadevan, Advocate, S.R.No. 18670
+1cc to the Government Pleader, S.R.No. 18738

W.P. No. 23119 of 2012

PP (CO)
GN(01/07/2020)