

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18502 of 2020

S.Pushpa,
Wife of Mr.P.Sadasivam,
Residing at No.76, Shanmugam Street,
Devampattinam,
Cuddalore District.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

3.The District Collector,
Chennai District,
Chennai 600 001.

4.The District Revenue Officer,
South Chennai Division,
Guindy, Chennai 600 032.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai District.

6.M.Desappan,
Son of G.Manogaran,

New No.3/27 & 3/28, Muthalamman Kovil Street,
Kottivakkam Kuppam,
Chennai 600041.

7.M.Kalaimani,
Son of G.Manogaran,
New No.3/27 & 3/28, Muthalamman Kovil Street,
Kottivakkam Kuppam,
Chennai 600041.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent relating to the proceedings in Na.Ka.No.866/2018/Aa3, dated 07.11.2019 and quash the same and consequently direct the respondents herein to cancel the patta Nos.79 and 80 granted to the 6th and the 7th respondents for the Grama Natham Properties comprised in Old Survey No.226/1 Part (Paimash No.300), New Survey Nos.325/4 and 325/5 situated at Kottivakkam Village, Sholinganallur Taluk, Chennai District.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.E.Balamurugan, (for R1 to R5)
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings

<http://www.judis.nic.in> of the 5th respondent dated 07.11.2019 and for a consequential direction to

cancel the patta, issued in favour of the respondents 6 and 7 with respect to the subject property.

2.Heard Mr.N.Nithianandam, learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader for respondents 1 to 5.

3.This Court has carefully gone through the records and heard the learned counsel on either side.

4.It is seen from the records that there is a partition suit that is pending on the file of the Additional District Court, Chengalpet in O.S.No.159/2017. The 5th respondent has refused to act upon the representation made by the petitioner, seeking for cancellation of patta on the ground that there is a suit pending before the competent Civil Court and only after the disposal of the suit, any action can be taken by the 5th respondent.

5.In the considered view of this Court, this Court does not find any illegality or infirmity in the order passed by the 5th respondent. This Court has time and again held that wherever any proceedings are pending before the competent Civil Court, the revenue authorities will have to wait for the final

result of the suit and thereafter, act upon the representation. Therefore, the 5th respondent was perfectly right in not entertaining the representation made by the petitioner. This Court does not find any ground to interfere with the impugned order passed by the 5th respondent and accordingly, this Writ Petition is dismissed. No costs.

14.12.2020

Index :Yes/No

Internet:Yes/No

sai/pgp

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N.ANAND VENKATESH,J.

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