

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.30284 of 2018
and
W.M.P.No. 35346 of 2018

1. K.Lokaih
2. K.Pramila

..Petitioners

vs.

1. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Thirutani.
3. The Tasildar,
Thiruthani.
4. K.Subraman

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in his proceedings No.Na.Ka.No.4112/2018/A3 and quash his order dated 11/10/2018 by which he has restored the names of Kasalakrishnama Naidu and Ramapuram Lakshamma with respect to New Survey No.129/15 (old survey No. 129/10) to an extent of 0.41.0 hectares (1/01 acres) of land in Peerkuppam Village, Thiruthani Taluk, Tiruvallur District, by cancelling the Patta standing in the name of the 2nd petitioner and further directing the 1st petitioner as well as the 4th respondent to move the civil court regarding title with respect to those lands.

For Petitioner : Mr.R.V.Lakshmipathy
For Respondents: Mr.S.N.Parthasarathy,
Government Advocate
for R1 to R3.
Mr.V.Manohar
for R4.

O R D E R

This writ petition has been filed challenging the proceedings of the first respondent dated 11.10.2018 restoring the patta in the name of the original owners of the property.

2. Heard Ms.R.V.Lakshmipathy, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate appearing on behalf of the respondents 1 to 3 and Mr.V.Manohar, learned counsel for the fourth respondent.

3. It is seen from records that the first respondent has considered the entire case on merits and found that it involves determination of the right and title over the property and therefore, he has directed both the parties to approach the competent Civil Court in order to work out their rights. The first respondent has therefore, restored the original position as stood in the year 1962.

4. A careful reading of the impugned order passed by the first respondent shows that the first respondent has given cogent reasons as to why the Revenue Authority cannot go into the issue that has been raised by the petitioner. Therefore, the first respondent has rightly relegated the parties to approach the competent civil court. This order passed by the first respondent is neither in favour of the petitioner nor in favour of the 4th respondent. The parties will have to agitate their rights only before the competent Civil Court and the issue requires a detailed consideration of the right and title over the property.

5. In view of the above, this Court is not inclined to interfere with the order passed by the first respondent and it is left open to the petitioner and the 4th respondent to work out their rights before the competent Civil Court and any observation made by the first respondent will have no effect in the decision that will be taken by the competent court.

6. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmm

To

1. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

2. The Revenue Divisional Officer,
Thirutani.

3. The Tasildar,
Thiruthani.

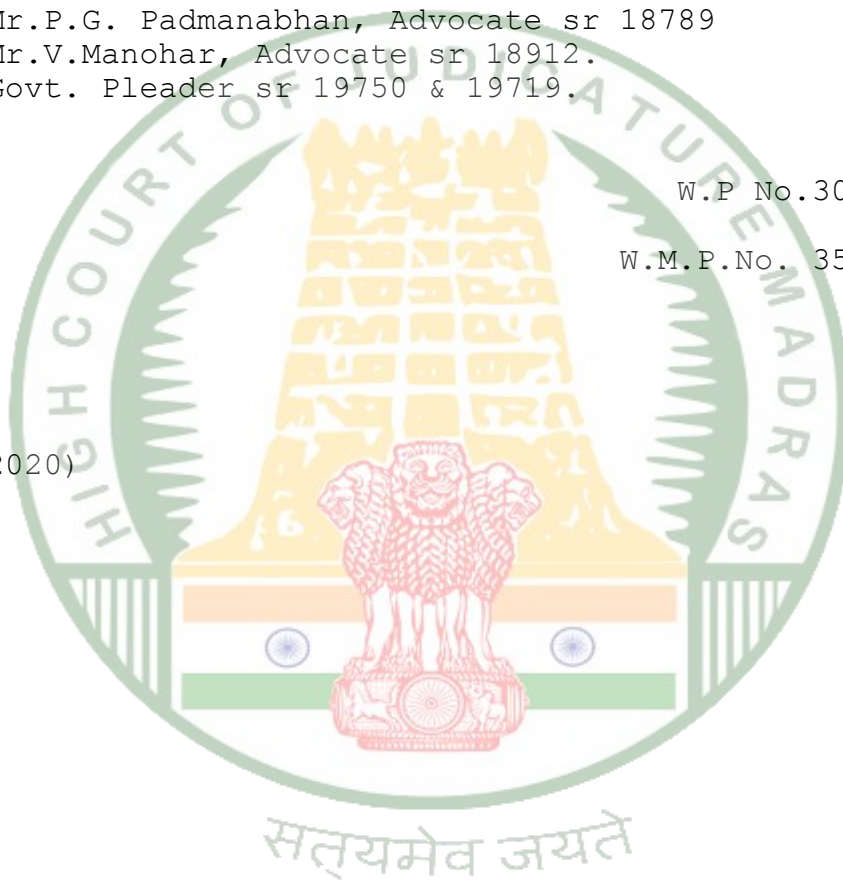
+1 CC to Mr.P.G. Padmanabhan, Advocate sr 18789

+1 CC to Mr.V.Manohar, Advocate sr 18912.

+1 Cc to Govt. Pleader sr 19750 & 19719.

W.P No.30284 of 2018
and
W.M.P.No. 35346 of 2018

RSK (CO)
SP (30/05/2020)



WEB COPY