



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1819 of 2021
and C.M.P.Nos.11435 to 11437 of 2021

S.Arumugasamy

.. Appellant

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Revenue Divisional Officer,
Tambaram, Chennai.
4. The Tahsildar,
Tambaram Taluk, Tambaram,
Chennai.
5. The Inspector of Police,
Peerkankaranai Police Station,
Chennai.
6. C.M.Raju

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 01.10.2019 made in W.P.No.4546 of 2013.

Prayer in W.P.No.4546 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus Calling for records relating to the order of the 3rd 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.



WEB COPY

For Appellant : Mr.A.Mohan

For Respondents : Mr.S.John J Raja Singh
Government Counsel for R1 to R5
Mr.K.Nirmal Kumar for R6

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the order of the learned single Judge, who while declining to interfere with the order passed by the Revenue Divisional officer, has observed that it is open to the parties to approach the revenue authorities after the disposal of the pending suits.

2.It is an admitted fact that two suits are pending consideration with respect to the same property. One is filed by the appellant for bare injunction and the other is filed by the sixth respondent for declaration and injunction.

3.Upon hearing the learned counsel appearing for the parties, we are of the view that the order passed by the learned single Judge requires no interference except observing that Civil Courts are expected to decide the matter on their own merits without being influenced either by the order passed by the learned single Judge or the order passed by the Revenue Divisional Officer. It appears that the suit for injunction filed by the appellant in O.S.No.63 of 2008 is based upon title. The other suit filed by the sixth respondent is one for declaration and permanent injunction in O.S.No.119 of 2013. Therefore, the aforesaid two suits are to be decided on the basis of the evidence placed before the Court both oral and documentary.

4.Thus, the writ appeal stands disposed of with the observation that the Civil Court is expected to dispose of the suits on their own merits without being influenced by the order passed by the Revenue Divisional Officer cancelling the patta, which stood in the name of the appellant. No costs. Consequently, connected miscellaneous petitions are closed.

5.Taking into consideration the fact that O.S.No.63 of 2008 is pending on the file of the District Munsif Court, Tambaram, for more than a decade and O.S.No.119 of 2013 is pending on the file of the Principal District Court, Chengalpattu for about 8 years, we direct that the suit in O.S.No.63 of 2008 on the file of the District Munsif Court, Tambaram be transferred and tried along with O.S.No.119 of 2013 pending on the file of the Principal District Court, Chengalpattu. The learned Principal



District Judge, Chengalpattu is directed to dispose of both the suits in O.S.Nos.63 of 2008 and 119 of 2013 within a period of six months from the date of receipt of a copy of this judgment.

WEB COPY

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The District Munsif,
Tambaram.
2. The Principal District Judge,
Chengalpattu.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
5. The Revenue Divisional Officer,
Tambaram, Chennai.
6. The Tahsildar,
Tambaram Taluk, Tambaram,
Chennai.
7. The Inspector of Police,
Peerankaranai Police Station,
Chennai.

+1cc to Mr.K.Nirmal Kumar, Advocate, S.R.No.36660

+1cc to the Government Pleader, S.R.No.36561

W.A.No.1819 of 2021

PM(CO)
HS(26/08/2021)