



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26592 of 2013

and

M.P.No.1 of 2013

Rukmani

...Petitioner

Vs

1. The District Revenue Officer,
Cuddalore, Cuddalore District.

2. The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

3. The Thasildar,
Vridhachalam Taluk,
Cuddalore District.

4. Kolanchiammal

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call upon the production of the records relating to the order dated 24.08.2013 made in Na.Ka.V3/6058/2013 passed by the first respondent herein, quash the same.

For Petitioner : Mr.S.Senthilnathan

For Respondents: Mr.Richardson Wilson,
1 to 3 Government Advocate

For Respondent4: M/s.AL.Ganthimathi

O R D E R

This writ petition has been filed to issue a Writ of Certiorari to call upon the production of the records relating to the order dated 24.08.2013 made in Na.Ka.V3/6058/2013 passed by the first respondent herein, quash the same.

2. The case of the petitioner is that she is the absolute owner and she is in possession and enjoyment of the land comprised in Survey Nos.454/21 and 22 situated at Kavanur Village. The petitioner's husband and his brother along with their mother jointly executed a partition deed dated 25.10.1986



registered vide Document No.1469 of 1986. In the partition deed, the lane in dispute is shown as common lane to reach the 'A' and 'B' schedule properties mentioned in the partition deed. The common lane belongs to them and it is in existence, use and occupation for the past several decades.

3. While being so, the fourth respondent approached the second respondent by way of representation stating that in the gramamatham land settlement scheme in Survey No.454 of Kavanur Village has been sub divided as Survey No.454/23 and shown as lane and it has to be cancelled based on that documents. On receipt of the same, the second respondent has directed the third respondent to submit a report.

4. After surveying the said property a report was submitted before the second respondent and concluded by an order dated 19.01.2013 that the said lane measures 33 sq.mts. and falls in Survey No.454/23 is classified as Government poramboke. The said finding is based on the report and after examination of oral and documentary evidence adduced by the parties concerned. However, it was challenged by the fourth respondent before the first respondent and the same was allowed.

5. Pending the writ petition, the petitioner also filed a suit in O.S.No.2 of 2017 for declaration in respect of the very same property namely the lane measuring 33 sq.mts. comprised in Survey No.454/23 situated at Kavanur Village for declaration and it is pending. When the title suit is pending for declaration, this Court cannot decide the title in the writ petition.

6. Therefore, the petitioner can very well approach the third respondent for issuance of patta for the subject property, subject to the result of the suit in O.S.No.2 of 2017 on the file of the District Munsif Court, Vridhachalam. If the petitioner succeeded in the suit she can very well approach the third respondent and on receipt of any application from the petitioner the third respondent is directed to consider the same and pass order after giving opportunity to the parties concerned.

7. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, the connected M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rna



To

1. The District Revenue Officer,
Cuddalore, Cuddalore District.
2. The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.
3. The Thasildar,
Vridhachalam Taluk,
Cuddalore District.

+1cc to M/s.A.L.Ganthimathi, Advocate, S.R.No.53930

+1cc to the Government Pleader, High Court, Madras, S.R.No.54639

W.P.No.26592 of 2013
and
M.P.No.1 of 2013

JP-II (CO)
RGA(30/11/2021)