



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.30865 OF 2015

AND

M.P.NO.1 OF 2015

G.Perumal

... Petitioner

.Vs.

1. The District Revenue Officer,
Vellore District,
Vellore.

2. The Revenue Divisional Officer,
Vellore.

3. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

4. Subramani

5. Shankar

6. Venkatesan

7. Chandrasekar

8. Haribabu

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in Na.Ka.No.D3/9516/2014 dated 22.07.2015 on the file of the first respondent and quash the same as illegal, unlawful and consequently direct the first respondent to restore the patta in survey No.23 to an extent of 1.06 acres in favour of the petitioner.

For Petitioner : No appearance

For Respondents

For R1 to 3 : Mr.Richardson Wilson
Government Advocate

For R4 to 8 : No appearance



ORDER

This Writ Petition is filed to issue a writ of certiorarified mandamus calling for the records in Na.Ka.No.D3/9516/2014 dated 22.07.2015 on the file of the first respondent and quash the same and consequently direct the first respondent to restore the patta in survey No.23 to an extent of 1.06 acres in favour of the petitioner.

2. The case of the petitioner is that the subject property belongs to the petitioner and the petitioner is in possession and enjoyment of the same. Because of his absence, the respondents 4 to 7 who are residing adjacent to his property, changed patta and chitta by production of false and frivolous documents before the revenue authorities. On the strength of the said patta, during the year 2011, the respondents 4 to 7 also had sold part of his property in favour of one, Haribabu, who is the eighth respondent herein. Thereafter, the third respondent issued joint patta in favour of the respondents 4 to 8 herein. After the knowledge of the petitioner, he submitted representation to the respondents 1 to 3 herein to cancel the patta issued in favour of the respondents 4 to 8 herein. Since they did not take any action, the petitioner filed writ petition before this Court in WP.No.5867 of 2015 and this Court directed the first respondent to dispose of his representation dated 11.05.2014 by order dated 12.03.2015. As directed by this Court, the first respondent passed the impugned order, thereby rejected the representation for the reason that the respondents 4 to 7 filed suit in O.S.No.18 of 2015 for injunction in respect of the very same property on the file of the District Munsif Court, Katpadi and therefore subject to the result of the suit, order will be passed.

3. Admittedly, now patta stands in the name of the respondents 4 to 8 herein. Challenging the same, the petitioner submitted representation and as directed by this Court, the first respondent passed the impugned order. On perusal of the records, revealed that the respondents 4 to 7 filed suit in OS.No.18 of 2015 in respect of the very same property for permanent injunction as against the petitioner. Therefore, the suit is not for declaration of title and as such the pendency of the civil suit is not an impediment for the first respondent to consider the representation submitted by the petitioner herein. Therefore, the impugned order dated 22.07.2015 is set aside and remanded back to the first respondent for fresh consideration. The first respondent is directed to issue notice to the petitioner and the respondents 4 to 8 herein and after giving opportunity of hearing to them, to pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. If the suit is disposed



of, the result of the said suit also may be taken into account for consideration.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Vellore District,
Vellore.
2. The Revenue Divisional Officer,
Vellore.
3. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

+1cc to the Government Pleader, S.R.No.41350

W.P.NO.30865 OF 2015

PL(CO)
PBS/22/09/2021