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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

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

W.P.NO.22374 OF 2016,
C.R.P.PD.NO.995 OF 2018
AND

CONT.P.NO.1691 OF 2015
AND

W.M.P.NO.19078 OF 2016 AND
C.M.P.NO.5331 OF 2018

W.P.No.22374 of 2016

1. Dilli
2. Pattu

... Petitioners

..Vs..

1. The Principal Secretary & Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Settlement Officer,
Office of the Settlement Officer,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Office of the District Collector,
Kancheepuram District.
4. The District Revenue Officer,
Office of the District Revenue Officer,
Kancheepuram District.
5. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.
6. The Tahsildar (Additional Headquarters),
Tiruporur Taluk,
Kancheepuram District.



7. The Managing Director,
M/s.Standard Fire Works (P) Ltd.,
1/3, Thiruthangal Road,
Sivakasi, Madurai District.

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... Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent dated 25.04.2016 made in Na.Ka.No.808/2016/N4 and quash the same and consequently direct the second respondent to reverse the entry in the 'A' Register and Chitta Register maintained by respondents (3) to (6) insofar as survey No.254/2 in Pudupakkam Village, Tiruporur Taluk, Kancheepuram District from "Anaadeenam" to Patta Land and issue patta in favour of the petitioners to the land situated in Survey No.254/2 measuring 2 acres and 58 cents correlated to Paimash No.910 & 911 (Part).

For Petitioners : Ms.G.Thilakavathy
Senior Counsel for
Mr.A.Kanagasundaram

For Respondents : Mr.Edwin Prabakar
Government Advocate (for R1 to R6)
: Mr.A.R.Ramanathan (for R7)

C.R.P.PD.No.995 of 2018

1. Dilli
2. Pattu

... Petitioners

Vs.

1. Standard Fire Works (P) Ltd.,
Rep.by its authorized signatory,
Mr.T.Durai.
2. The Tahsildar,
Thiruporur Taluk,
Kanchipuram District.
3. The Revenue Divisional Officer,
Chengalpet,
4. District Revenue Officer,
Kancheepuram District.



5. The District Collector,
Kanchipuram District.

6. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.20 of 2016 pending on the file of the District Munsif, Chengalpet and strike off the same as abuse of process of Court.

For Petitioners : Ms.G.Thilakavathy
Senior Counsel for
Mr.A.Kanagasundaram

For Respondents : Mr.A.R.Ramanathan (for R1)
Mr.Edwin Prabakar
Government Advocate (for R2 to R6)

Cont.P.No.1691 of 2015

1. Dilli
2. Pattu

... Petitioners

Vs.

R.Panneer Selvam
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Chengalpet, Kanchipuram District.

... Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for Contempt of Court for disobeying the order dated 29.04.2015 passed in W.P.No.13175 of 2015 for not passing orders on the petitioner filed by the petitioners.

For Petitioners: Ms.G.Thilakavathy
Senior Counsel for
Mr.A.Kanagasundaram

For Respondent : Mr.Edwin Prabakar
Government Advocate



COMMON ORDER

W.P.No.22374 of 2016 has been filed for a direction to direct the fourth respondent dated 25.04.2016 made in Na.Ka.No.808/2016/N4 and quash the same and consequently direct the second respondent to reverse the entry in the 'A' Register and Chitta Register maintained by the respondents 3 to 6 insofar as survey No.254/2 in Pudupakkam Village, Tiruporur Taluk, Kancheepuram District from "Anaadeenam" to Patta Land and issue patta in favour of the petitioners to the land situated in Survey No.254/2 measuring 2 acres and 58 cents correlated to Paimash No.910 & 911 (Part).

2. C.R.P.PD.No.995 of 2018 has been filed to strike off the plaint in O.S.No.20 of 2016 pending on the file of the District Munsif, Chengalpet.

3. Cont.P.No.1691 of 2015 has been filed to punish the respondent for Contempt of Court for disobeying the order dated 29.04.2015 passed in W.P.No.13175 of 2015.

4. The petitioners submitted that their representation dated 06.01.2015 to the respondents 1 to 3, 5 and 6 herein in W.P.No.22374 of 2016 requested them for reversal of entries contained in the revenue records/settlement register pertains to S.No.254/2 situated at Pudupakkam Village, Thiruporur Taluk, Kanchipuram District followed by which the fifth respondent has directed the sixth respondent to conduct proper enquiry and send his report. The third respondent vide letter Na.Ka.No.1124/15/N4 dated 04.02.2015 has also requested the fifth respondent herein to take appropriate action on the representation submitted by the petitioners. However, the authorities concerned did not take any action on their representation, the petitioners approached this Court by way of Writ Petition in W.P.No.13175 of 2015. This Court by an order dated 29.04.2015 directed the fifth respondent herein to consider and dispose of the representation submitted by the petitioners in accordance with law, after putting on notice the concerned persons and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioners as well as to the concerned persons.

5. As directed by this Court, the authorities concerned did not pass orders and as such, the petitioners were constrained to file a Contempt Petition in Cont.P.No.1691 of 2015. In the said Contempt Petition, the Additional Chief Secretary/Commissioner of Land Administration filed an affidavit stating that the land in S.No.254/2 stands in the name of Standard Fire Works Limited in Patta No.13. Upon scrutiny of the connected records, it was found that the said land was classified as "Anadheenam"



(Government Poramboke) prior to Updating Registry (UDR) Scheme. It was erroneously changed as Ryotwari Land and allotted to Standard Fire Works Limited during the UDR Scheme without following any procedure. Since the fourth respondent herein is alone competent to correct such mistakes which occurred during the UDR Scheme, the fifth respondent requested the fourth respondent to correct the error which occurred during the UDR Scheme and recommended that the land in S.No.254/2 ad-measuring 2.58 acres situated at Pudupakkam Village, Thiruporur Taluk, Kanchipuram District, may be restored as "Anadheenam," as detailed in the settlement prior to UDR Scheme.

6. In fact, the first respondent herein has also filed an additional affidavit in the said Contempt Petition stating that he had directed the third respondent herein to ascertain the details of Officials who had committed the error and registered the land in S.No.254/2 ad-measuring 2.58 acres situated at Pudupakkam Village, Thiruporur Taluk in the name of the seventh respondent herein in Patta No.13, when the property was classified as "Anadheenam" prior to the intimation of the UDR Scheme.

7. When the enquiry was pending on the file of the fourth respondent herein, the seventh respondent filed a suit in O.S.No.20 of 2016 on the file of the District Munsif Court, Chengalpattu for declaration to declare the title of the subject property in the Writ Petition in favour of the seventh respondent herein and permanent injunction. The seventh respondent also filed a petition for interim injunction in I.A.No.179 of 2016, in which the Trial Court directed the parties concerned to maintain Status Quo by an order dated 05.02.2016. Therefore, the fourth respondent by the impugned order dated 25.04.2016 passed an order stating that till the disposal of the suit filed by the seventh respondent herein, no order could be passed to reverse the entry in the revenue records. The present Writ Petition has been filed challenging the order dated 25.04.2016 and for a consequential direction to direct the second respondent to reverse the entry in the 'A' register and Chitta register maintained by the respondents 3 to 6 herein, in respect of the subject property, from "Anadheenam" to the patta land. Subsequently, the petitioners filed the present Civil Revision Petition to strike off the plaint in O.S.No.20 of 2016 on the file of the District Munsif Court, Chengalpattu.

8. Admittedly, the seventh respondent herein filed the suit for declaration for the very same subject property. He has also filed the application in I.A.No.179 of 2016 for interim injunction against the petitioners herein and prayed to pass an order of interim injunction restraining the petitioners herein



from in any manner disturbing or interfering with the seventh respondent peaceful possession and enjoyment of the subject property in the present Civil Revision Petition. The Trial Court ordered the seventh respondent and the petitioners herein to maintain Status Quo in respect of the suit property. Therefore, no interim order restraining the Official respondents viz., the respondents 1 to 6 herein from interfering with the possession and enjoyment of the suit property of the seventh respondent herein. Therefore, the pendency of the interim order and the main suit are not an impediment for the respondents 1 to 6 herein to pass orders as directed by this Court.

9. In view of the above discussion, this Writ Petition is disposed of with the following directions:-

(i) the impugned order dated 25.04.2016 is hereby quashed and the matter is remitted back to the fourth respondent for fresh consideration.

(ii) the petitioners and the seventh respondent are permitted to submit their respective claims before the fourth respondent along with supported documents.

(iii) the fourth respondent is directed to afford sufficient opportunity of hearing for the petitioners as well as the seventh respondent to put forth their respective claims.

(iv) It is made clear that the interim order passed by the learned District Munsif, Chengalpattu in I.A.No.179 of 2016 dated 05.02.2016 is in no way restraining the respondents 1 to 6 herein from passing any order in respect of the subject property as directed by this Court. The pendency of the suit also is not an impediment for the respondents 1 to 6 herein to pass orders as directed by this Court.

(v) the fourth respondent is directed to issue notice to the parties concerned and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

10. In view of the above order, the suit in O.S.No.20 of 2016 on the file of the District Munsif Court, Chengalpet filed by the seventh respondent is directed to kept in abeyance till the order passed by the fourth respondent herein viz., the District Revenue Officer, Kanchipuram District. After the order passed by the fourth respondent, the Trial Court is directed to dispose the suit on merits and in accordance with law. With the above direction, this Civil Revision Petition is disposed of.



11. As directed by this Court, the fourth respondent herein passed the order dated 25.04.2016. That apart, in view of the aforesaid order passed by the fourth respondent in compliance of the order passed in W.P.No.13175 of 2015, this Contempt Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif, Chengalpet.
2. The Principal Secretary & Commissioner
of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The Settlement Officer,
Office of the Settlement Officer,
Ezhilagam, Chepauk, Chennai - 600 005.
4. The District Collector,
Office of the District Collector,
Kancheepuram District.
5. The District Revenue Officer,
Office of the District Revenue Officer,
Kancheepuram District.
6. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.
7. The Tahsildar (Additional Headquarters),
Tiruporur Taluk, Kancheepuram District.
8. The Section Officer,
V.R.Section, High Court of Madras.

+4ccs to Mr.A.Kanagasundaram, Advocate, S.R.No.31338 & 31339

W.P.No.22374 of 2016,
C.R.P.PD.No.995 of 2018
and Cont.P.No.1691 of 2015

SS(CO)
CS/11/08/2021