



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24400 OF 2021

AND

W.M.P.NO.25710 OF 2021

R.Kesavalu

...Petitioner

Vs.

1.The District Revenue Officer
O/o. District Collectorate of Tiruvallur
Master Plan Complex
NH-205, Tiruvallur
Pin-602 001.

2.The Revenue Divisional Officer
Near SBI & Post Office
J.N.Road
Tiruvallur-602 001.

3.The Tahsildar
Taluk Office - Tiruvallur
J.N.Road
Tiruvallur-602 001.

4.T.Vasudevan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbearing the respondents 2 and 3 from interfering with petitioner's possession and enjoyment of the property comprised in Survey Nos.43/1 to an extent of 1 acre & 43/2 to an extent of 94 cents situated at Thozhuvur Village, Tiruvallur Taluk & District without any authority of law unless the petitioner's Revision Petition dated 24.09.2021 on the file of the 1st respondent is disposed of in accordance with law.

For Petitioner : Mr.K.Balaji

For RR1-3 : Mr.Yogesh Kannadasan
Government Advocate



O R D E R

The Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from interfering with the petitioner's possession and enjoyment of the property comprised in Survey Nos.43/1 to an extent of 1 acre & 43/2 to an extent of 94 cents situated at Thozhuvur Village, Tiruvallur Taluk & District without any authority of law unless the petitioner's Revision Petition dated 24.09.2021 on the file of the 1st respondent is disposed of, in accordance with law.

2. Heard, Mr.K.Balaji, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents 1 to 3.

3. The petitioner owned the property comprised in Survey Nos.43/1 to an extent of 1 acre & 43/2 to an extent of 94 cents situated at Thozhuvur Village, Tiruvallur Taluk & District. While being so, the fourth respondent and his brothers, without any title over the property, applied for cancellation of patta before the third respondent. The third respondent conducted enquiry and rejected the request of the fourth respondent by an order dated 20.10.2018. The third respondent also allowed the patta to be existed in the name of the petitioner's father. Therefore, the petitioner was constrained to file a suit in O.S.No. 21 of 2018 on the file of the District Munsif, Tiruvallur, for bare injunction, restraining the fourth respondent and his family members from interfering with the peaceful possession and enjoyment of the property. In the said suit, there is an order of interim injunction dated 13.08.2018 in I.A.No.359 of 2018 against the fourth respondent and his family members.

4. Pending suit, as against the order passed by the third respondent, the fourth respondent filed an appeal before the second respondent herein. Without considering the above interim injunction and the continuous possession of the petitioner's family, the second respondent cancelled the patta stood in the name of the petitioner's father by an order dated 29.07.2021. Aggrieved by the same, the petitioner filed revision before the first respondent on 24.09.2021 and it is pending. While pending revision, the fourth respondent filed an application before the third respondent on the strength of the order passed by the second respondent to measure the subject property comprised in Survey Nos.43/1 to an extent of 1 acre & 43/2 to an extent of 94 cents situated at Thozhuvur Village, Tiruvallur Taluk & District. The third respondent issued notice dated 11.10.2021 and on receipt of the same, the petitioner's family members had submitted their objections for measuring the subject property, since the revision is pending on the file of the first



respondent. They also issued legal notice dated 23.10.2021 through their counsel.

5. Considering the above, the third respondent is directed to conduct detailed enquiry on the petition submitted by the fourth respondent to measure the subject property, after issuance of notice to the petitioner and other parties, if any and after giving them an opportunity of hearing and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the third respondent is directed to bear in mind that the petitioner has already filed a revision before the first respondent as against the order passed by the second respondent and it is pending. The third respondent is directed not to measure the subject property as requested by the fourth respondent till the final outcome of the revision.

6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Lpp

To

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3.The Tahsildar
Taluk Office - Tiruvallur
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Tiruvallur-602 001.

+1cc to M/s.K.Balaji, Advocate, S.R.No.58306

W.P. No. 24400 of 2021
and W.M.P.No.25710 of 2021

AD(CO)
RVM(26/11/2021)