



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.30966/2019 & WMP.Nos.31065 & 31067/2019

[Video Conferencing]

1.Mr.S.Palani

2.Mr.Srinivasan

3.Mr.Sundharam

4.Ms.Prema

... Petitioners

Versus

1.The Tahsildar
Ponneri Taluk
Thiruvallur District.

2.Revenue Divisional Officer
Ponneri Taluk,
Thiruvallur District.

3.District Revenue Officer
Thiruvallur District.

4.Mr.Kannan Munisundaram

5.Ms.Sasikala

6.Mr.Saravanan

7.Ms.Pachaiyammal

8.M.G.Sridevi

9.Mr.Gnanavel

10.Ms.Kogilammal

11.Mr.Vasudevan

12.Mr.S.Kumar

13.Ms.M.Shanthi

14.Mr.Babu

15.Mr.Mani

16.Ms.Rani

17.Mr.Kumar Ganesan

18.Mr.G.Babu

... Respondents



Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to cancel patta No.5130 dated 04.10.2019.

WEB COPY

For Petitioners : Mr.Karthikeyan for
Mission Legal

For RR 1 to 3 : Mr.Yogesh Kannadasan
Government Advocate

For RR 4 to 18 : Mr.I.Arockiasamy

ORDER

- (1) The writ petition has been filed in the nature of a mandamus directing the 1st respondent, viz., the Tahsildar, Ponneri Taluk, Thiruvallur District to cancel Patta No.5130 dated 04.10.2019.
- (2) Brief facts of the case are that the petitioners and respondents 4 to 18 seem to be deeply involved in agitating with respect to the revenue records relating to the lands in S.Nos.95/3 and 96/5 measuring an extent of 0.72 acres and in S.No.96/6 measuring an extent of 0.06 acres situated in Vichoor Village, Ponneri Taluk, Thiruvallur District. It is stated that the said property is being enjoyed and is in the possession of the legal heirs of one late Shanmuga Achari who had purchased the same by way of a Sale Deed dated 22.07.1981 registered as Document No.1862/1981 on the file of the office of the Sub Registrar, Thiruvottiyur. The said Shanmuga Achari/purchaser is the grandfather of the writ petitioners herein. In the years 2016 and 2016, there were Partition Deeds and Settlement Deeds effected with respect to the said properties and then it was found that respondents 4 to 18 herein had also included the said properties in the Partition Deeds and Settlement Deeds and had also dealt with them. A representation was given on 24.03.2016 to the 1st respondent, viz., Tahsildar, Ponneri Taluk.
- (3) The petitioners sought transfer of name and it is claimed that an inspection was also conducted on 05.05.2016 and the Revenue Inspector had recommended transfer of patta in favour of the legal heirs of Shanmuga Achari. Thereafter, representations were given on 22.04.2016 and a further representation on 25.02.2019 to the 1st respondent. In the meanwhile, a writ petition in WP.No.12684/2019 had also been filed seeking a direction against the Sub Registrar to consider the representation dated 25.06.2019. That writ



petition was dismissed as withdrawn on 09.08.2019 directing the petitioners to approach the Civil Court.

- (4) The petitioners, till this date, had not approached the Civil Court asserting title or seeking declaration of tile and the 2nd respondent/Revenue Divisional Officer, had passed an order on 27.09.2019 which was adverse to the petitioners herein, granting change of patta in the names of respondents 4 to 18. It is stated that the petitioners had a period of thirty days to file an appeal before the District Revenue Officer. They filed an appeal on 21.10.2019. However, to their shock and surprise according to the learned counsel, the Tahsildar, Ponneri, appears to have mutated the records as directed by the Revenue Divisional Officer within a period of four days even without waiting for the petitioners herein to file an appeal before the District Revenue Officer and that, mutation of records, viz., change of patta, is the cause for filing this writ petition for a mandamus to reverse the said entry made by the Tahsildar.
- (5) It is an admitted fact that the appeal is pending before District Revenue Officer of Tiruvallur District. It would only be appropriate that the petitioners herein prosecute the said appeal and seek necessary directions from the said official himself, complaining about the mutation of records by the Tahsildar pursuant to the orders passed by the Revenue Divisional Officer. Filing a writ petition would not be of any advantage to the petitioners herein when there is an alternate remedy. The petitioners had availed alternate remedy. Any other interlocutory orders or interim relief sought, should be sought only from the said authority before whom the said appeal is pending, viz., the District Revenue Officer at Tiruvallur.
- (6) Mr.I.Arockiasamy, learned counsel appearing for respondents 4 to 18 also contended that the Appellate Authority is the proper authority before whom any relief can be sought for by the petitioners herein.
- (7) I am not inclined to grant the relief sought for, but, however, would place an obligation on the District Revenue Officer, Tiruvallur District, to prosecute further, the appeal which has been presented on 21.10.2019 and which is now pending for more than a year and half within a period of sixteen weeks from the date of receipt of a copy of this order.
- (8) Let principles of natural justice be followed which would naturally indicate issuance of notice to the contesting



WEB COPY

parties and also hearing the contesting parties and thereafter passing necessary orders. Let the 1st respondent/Tahsildar be bound by any orders to be passed by the District Revenue Officer in the said appeal. Though relief sought, is not granted, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

AP

To

1.The Tahsildar
Ponneri Taluk
Thiruvallur District.

2.The Revenue Divisional Officer
Ponneri Taluk,
Thiruvallur District.

3.The District Revenue Officer
Thiruvallur District.

+1 CC to M/s. Mission Legal, Advocate sr 38384
+1 CC to Mr.I.Arockiasamy, Advocate sr 38303
+1 Cc to The Government Pleader sr 39097.

WP.No.30966/2019

RSV(CO)
SP(18/08/2021)