



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15073 of 2011

and

M.P.No.1 of 2011

1. Abiranjiammal
2. Devakiammal (Deceased)
3. Sulochana
4. Susila
5. Mohana Ammal
6. Lalitha
7. K.Balaji
8. K.Kalpana
9. K.Kanchana
10. K.Dilli Babu
11. M.Balaraman

Petitioners 1 to 10 rep. by their
Power of Attorney Agent Mr.T.Arun.

...Petitioners

(P11 substituted as LR of deceased 2nd petitioner vide order dated 16.02.2022 in WMP.No.31037 of 2016)

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.
2. The District Revenue Officer,
Chennai District, Chennai Collectorate,
Singaravelar Maligai,
4th Floor, Chennai-600 001.
3. The Tahsildar,
Taluk Office,
Egmore-Nungambakkam Taluk,
Chennai-600 031.

4. Mrs. Uma Ramanathan

...Respondents



Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to calling for the records relating to the impugned proceedings of the 2nd respondent in 03/27603/2005 dated 17.02.2010 and quash the same.

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For Petitioners : M/s.Devadason and Sagar

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings of the 2nd respondent in 03/27603/2005 dated 17.02.2010 and quash the same.

2. The case of the petitioners is that, the land comprised in Survey Nos.12/4, 12/5 and 12/6 Koyambedu Village, Egmore-Nugambakkam Taluk, Chennai, was originally owned by one Vasudeva Pillai and after the demise of said Vasudeva Pillai, his sons one Veerasami Pillai and Adhi Pillai inherited the said property and they have partitioned the property vide registered partition deed dated 24.02.1934. Thereafter, the said Adhi Pillai died on 29.10.1963 leaving behind the petitioners 1 to 5 and the husband of the 6th petitioner as his legal heirs. While so, the properties of said Adhi Pillai were subjected to land acquisition proceedings, however, after enquiry, the said property was released from the acquisition proceedings. Therefore, the petitioners 1 to 5 and the husband of the 6th petitioner obtained patta in their favour. Objecting the same, the 4th respondent filed a suit in O.S.No.6386/2004 and obtained an ex-parte order. Thereafter, the 4th respondent filed an appeal before the 2nd respondent against the order of the 3rd respondent granting patta in favour of the petitioners 1 to 5 and the husband of the 6th petitioner and on receipt of the said appeal, the 2nd respondent after conducting adjudication directed the Tahsildar to modify the revenue records in favour of the 4th respondent herein and register the name of the said Uma Ramanathan in the revenue records, vide order dated 17.02.2010 in proceedings 03/27603/2005. Challenging the said impugned order passed by the 2nd respondent, the present Writ petition is filed.

3. Though very many grounds have been raised, the learned counsel appearing for the petitioners fairly submitted that, already the petitioners have filed a suit in O.S.No.6587 of 2005 on the file of the City Civil Court, Chennai as against the 4th respondent in respect of the very same property and the observations made in the impugned order dated 17.02.2010 passed



by the 2nd respondent may influence the suit in O.S.No.6587 of 2005. Hence, he prays this Court may issue direction to the Trial Court to decide the Suit on merits without being influenced by the impugned order passed by the 2nd respondent and liberty may be granted to the petitioners to file fresh application before the Revenue Officials for issuance of patta in their favour, if they succeed in the above said Suit.

4. The learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that, as against the order passed by the 2nd respondent, there is an Appeal remedy available before the City Civil Court, Chennai. Hence, filing the present Writ petition challenging the order of the 2nd respondent is not sustainable and he prays for dismissal of the present Writ petition.

5. Heard the arguments advanced by the learned counsel appearing on either side.

6. This Court perused the impugned order dated 17.02.2010 passed by the 2nd respondent and on perusal of the said impugned order it reveals that, if the petitioners are aggrieved by the said order, they can prefer an appeal. However, the petitioners have filed a suit in O.S.No.6587 of 2005 on the file of the City Civil Court, Chennai, as against the 4th respondent in respect of the very same property and the same is pending.

7. In view of above, this Court is not inclined to interfere with the impugned order passed by the 2nd respondent in proceedings 03/27603/2005 dated 17.02.2010. However, the Trial Court is directed to pass orders on merits in the suit in O.S.No.6587 of 2008 independently, without being influenced by the order of the 2nd respondent. If the petitioners succeed in the above said Suit, the petitioners are at liberty to file fresh application before the Revenue Officials for issuance of Patta.

8. This Writ Petition is accordingly disposed of with the above directions. No cost. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

skt



To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-600 009.

2. The District Revenue Officer,
Chennai District, Chennai Collectorate,
Singaravelar Maligai,
4th Floor, Chennai-600 001.

3. The Tahsildar,
Taluk Office,
Egmore-Nungambakkam Taluk,
Chennai-600 031.

+1cc to M/s.Devadason & Sagar, Advocate SR. No.13552

+1cc to Government Pleader SR. No.13809

W.P.No.15073 of 2011
and
M.P.No.1 of 2011

BS (CO)
PR (04/04/2022)