



W.P.No.8315 of 1993

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8315 of 1993

1.E.K.Achutha Reddiar
2.E.K.Chinnarai Reddiar

...Petitioners

Vs.

1.The Director of Survey and Settlement,
“Ezhilagam”, Chepauk,
Madras-5.

2.The Assistant Settlement Officer,
Tiruvannamalai, Sambuvaroya District.

3.S.K.Krishnan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in NK.AA.No.4/3840/92 dated 16.03.1993 and quash the same insofar as the petitioners are concerned and consequently restrain the respondents 1 and 2 from taking any proceedings under the Tamil Nadu Leasehold Inams (Abdolition and Conversion into Ryotwari) Act 27 of 1963.



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For Petitioner : Mr.A.L.Somayaji Senior Counsel
for Mr.M.R.Radhakrishnan

For Respondents : Mr.G.Krishna Raja (for R1 and R2)
Additional Government Pleader

: M/s.Sundari Rajan (for R3)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in NK.AA.No.4/3840/92 dated 16.03.1993 and quash the same insofar as the petitioners are concerned and consequently restrain the respondents 1 and 2 from taking any proceedings under the Tamil Nadu Leasehold Inams (Abdolition and Conversion into Ryotwari) Act 27 of 1963.

2. The learned Senior Counsel appearing for the petitioners submitted that the impugned order is passed by the Commissioner of Survey and Settlement, as against the order dated 02.03.1993 passed earlier and he rectified the error committed by the Assistant Settlement Officer with regard to the grant of Ryotwari Patta in respect of different survey numbers owned



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by the petitioners. It is further submitted that earlier, there was a suit in

O.S.No.8119 of 1979, for permanent injunction restraining the defendant

therein / one Ambal Traders from interfering with the petitioners property.

The petitioners and others filed a suit in O.S.No.8909 of 1979, for declaration

that Elliah Reddiar who is the father of the petitioners, is the owner of the

land of an extent of 1.87 acres in Survey Nos.76 (T.S.No.87) in block No.1

at Ekkatuthangal Village and the suit was dismissed against the petitioner,

pursuant to which the petitioners preferred an appeal in A.S.No.158 of 1988

and the appeal was allowed in favour of the petitioners father against which

the aggrieved party has filed second appeal in S.A.No.1147 of 1990 before

this Court and this Court by its judgment dated 24.12.1999 set aside the order

passed by the first appellate Court and remitted the matter to the trial Court

and again the suit was decreed in favour of the petitioners father and appeal

was also dismissed and second appeal also ended in favour of the petitioners.

In view of the said orders, the present impugned order in the writ petition got

merged with the decree passed by the trial Court. Hence nothing survives and

no further adjudication is required. Accordingly he prays for appropriate

orders.



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3. The facts in the present case are not in dispute. Admittedly, against the judgment and decree of the trial Court, which was confirmed by the first appellate court S.A.Nos.47 of 2013 and 294 of 2016 was filed before this court and by judgment dated 18.04.2022, the second appeals were dismissed. In view of the above, this Court directs the Revenue officials to restore the patta in terms of the judgment in Second Appeal Nos.47 of 2013 and 294 of 2016 and carry out necessary corrections in terms judgment of this Court in Second Appeal Nos.47 of 2013 and 294 of 2016, dated 18.04.2022, in the revenue records and other documents maintained by the respondents.

4. This writ petition is disposed of with the aforesaid direction. No costs.

04.08.2022

Speaking Order : Yes/ No
Index : Yes/ No

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Madras-5.
- 2.The Assistant Settlement Officer,
Tiruvannamalai, Sambuvaroya District.



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M.DHANDAPANI,J.

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