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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20030 of 2011

1. Jayanthi
2. Umapathy ... Petitioners

Vs.

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ponneri, Thiruvallur District.
3. The Tahsildar,
Office of the Taluk Office,
Ambattur.
4. Mrs.S.Madhavi
5. Mrs.Pelakhsin
6. Mr.M.Ethiraj ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records pertaining to the order passed in proceedings in R.C.B3.16735/200 dated 02.06.2011 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.R.Natarajan

For Respondents R1 to R3: Mr.T.Chezhiyan,
Additional Government Pleader

For Respondent R5 & R6 : Mr.M/s.Paul & Paul



O R D E R

The petitioners have filed this writ petition seeking quashment of the proceedings in R.C.B3.16735/200 dated 02.06.2011 on the file of the 1st respondent.

2. The case of the petitioners is that the property in R.S.No.464/1 to an extent of 47 cents in Madhavaram Village, Ambattur Taluk, Thiruvallur District was purchased by 2nd petitioner's great grand father one Ponnusam Gramani from one Murugesu Mudaliar by way of a registered sale deed dated 23.12.1912 and the said property was inherited by the 2nd petitioner's grandfather one Thanickachala Gramani. Since the said Thanickachala Gramani had no male legal heir, the said property devolved upon the 2nd petitioner by way of registered Will in the year 1975. While that being so, the 2nd petitioner executed a settlement deed in favour of his wife/1st petitioner and Patta was granted to her by the Revenue Officials in the year 1999. However, the 4th respondent challenged the Patta issued in favour of the 1st petitioner before the 3rd respondent. Considering the same, the 3rd respondent passed order dated 24.09.2002 cancelling the Patta granted in favour of the 1st respondent against which, the petitioners filed appeal before the 2nd respondent and the 2nd respondent confirmed the order passed by the 3rd respondent in and by proceedings dated 11.03.2003. Aggrieved by the same, the petitioners filed Revision Petition before the 1st respondent and the 1st respondent set aside the order passed against the petitioners and remanded the matter back to the 2nd respondent, by order dated 22.06.2006. The 2nd respondent, after considering all documentary evidence with respect to the disputed property passed the order dated 15.07.2009 granting Patta in favour of the petitioners. However, the respondents 5 and 6, who claim to be the purchasers of the disputed property from the 4th respondent, preferred Revision Petition before the 1st respondent, whereby, the 1st respondent cancelled the Patta granted in favour of the petitioners by way of impugned order in R.C.B3.16735/200 dated 02.06.2011. Challenging the same, this Writ Petition has been filed.

3. The learned counsel for the petitioners submitted that the petitioners have already filed a suit for declaration and injunction before the District Munsif Court, Thiruvottiriyur in O.S.No.67 of 2004. Though initially, ad-interim injunction was granted in favour of the petitioners, subsequently, by order dated 10.04.2007, the injunction sought for in I.A.No.372 of 2004 was dismissed. As against the said order, the petitioners



filed C.M.A.No.9 of 2007 on the file of the Sub-Court, Ponneri, which was also dismissed by order dated 29.01.2010. As against the same, the petitioners filed Civil Revision Petition before this Court in CRP.No.2210 of 2011 and the same is pending before this Court.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 has no objection in the nature of order that is being passed by this Court.

5. In view of the fair submission made by respective counsels, this Court, without expressing any opinion on the merits of the case, is inclined to direct the petitioners as well as the private respondents to canvass their points before the concerned Jurisdictional Court viz., the District Munsif Court, Thiruvottriyur and after adjudicating the matter, the said Court is directed to decide the suit independently, without influenced by any of the observations made by the Revenue Officials. Till then, the observations and the findings recorded by the Revenue Officials are suspended. After disposal of the suit by the said Court, the succeeding party is directed to make fresh claim before the Revenue Officials for issuance of Patta in respect of their property.

6.In view of the above directions, this writ petition is disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ponneri, Thiruvallur District.



3. The Tahsildar,
Office of the Taluk Office,
Ambattur.

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+1cc to M/s.R.Natarajan, Advocate Sr.15166
+1cc to M/s.Paul & Paul, Advocate Sr.15238
+1cc to the Government pleader Sr.15523

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ajs[col]
srg 25/03/2022