



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.22231 of 2013 and 1690 of 2014  
and WMP.No.1 of 2013

W.P.No.22231 of 2013:

D.K.Jain

..Petitioner

Versus

1. The Revenue Divisional Officer,  
Chengalpat Revenue Division at Chengelpat,  
Kancheepuram District.

2. Ismail

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for records of the proceedings pending in Na.Ka.No.1742/2013 on the file of the first respondent dated 01.04.2013 and to quash the entire proceedings.

For Petitioner :Mr.V.Balamurugane

For Respondents :Mr.T.Chezhiyan R1

Additional Government Pleader

Mrs.T.Kokila vani R2

W.P.No.1690 of 2014:

S.Ismail

..Petitioner

Versus

1. The Revenue Divisional Officer,  
Chengalpat Revenue Division at Chengelpat,  
Kancheepuram District.

2. D.K.Jain

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for records of 1st Respondent in the impugned



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order No.1742/2013/Aa dated 10.10.2013 and quash the same and consequently, direct the first respondent to consider and pass final order on the petitioner's appeal petition dated 18.03.2013.

For Petitioner : Mrs.Kokilavani  
For Respondents : Mr.T.Chezhiyan R1  
Additional Government Pleader  
Mr.G.Prabakaran R2

#### COMMON ORDER

Writ petition in W.P.No.22231 of 2013 has been filed seeking to quash the order of the 1st Respondent in No.1742/2013/Aa dated 10.10.2013 and direct the first respondent to consider and pass final order on the petitioner's appeal dated 18.03.2013.

2. Writ petition in W.P.No.1690 of 2014 has been filed seeking to quash the order of the 1st Respondent in No.1742/2013/Aa dated 10.10.2013 and direct the first respondent to consider and pass final order on the petitioner's appeal dated 18.03.2013.

3. Since the issue involved in both the matters and the facts are one and the same. Therefore, both the petitions are disposed of by way of common order.

4. The facts in W.P.No.22231 of 2013 are as follows:

The petitioner is the Managing Director of the company viz., Kriticons Ltd., The petitioner's company, during the year 2006, launched a housing project in the suburban of chennai, for which, the company purchased lands to the extent of 4908 sq. mtrs in S.Nos.216/2 to 216/11 (except 216/7) in Kilambakkam Village vide sale deed dated 4221/2006 from various land owners. After purchase, the company mutated the revenue records in their favour and thereafter, obtained planning permission and building approval from the concerned departments. Thereafter, the company constructed the multi-storied building and the same was sold to various persons.

5. That being the situation, the said Ismail has filed a suit against the petitioner in O.S.No.40 of 2011 before the District Munsif Court, Chengalpet for cancellation of sale deed and the same is pending. Thereafter, the said Ismail lodged a complaint before the first respondent to cancel the patta in favour of the petitioner. On 01.04.2013, the respondent issued



the impugned notice to the petitioner stating that the parties are directed to appear before the authorities along with all the relevant documents. Challenging the same, the present writ petition has been filed to quash the proceeding of the first respondent.

6. The facts in W.P.No.1690 of 2014 are as follows:

The petitioner has been purchased the property in Old No.144 part of Chengalpat Taluk, Kancheepuram District vide sale deed No.34/92 dated 08.01.1992 on the file of the SRO, Guduvancherry. Thereafter, the petitioner entered into an agreement with one Subramaniam and handed over the original sale deed. But the said Subramaniam has not followed the agreement and hence, the petitioner has filed a suit in O.S.No.279 of 1994 on the file of the Principal Sub Court, Chengalpet for declaration and recovery of the possession and on 06.01.1997, the trial court has passed an ex-parte order. Subsequently, the said Subramaniam sold the said land to one D.K.Jain the second respondent herein. The said Jain constructed the flats and sold to various persons, for which, the petitioner has filed a suit in OS No.40 of 2011 before the District Munsif, chengalpat for cancellation of the sale deed registered by one Jain and the same is pending. In the meanwhile, the petitioner filed a patta transfer appeal dated 18.03.2013 to cancel the natham patta granted to the legal heirs of Subramaniam (Late) and to issue patta in his favour, for which, the first respondent sent notice to the parties for enquiry. Both the parties were appeared and the first respondent. The first respondent has issued the impugned order dated 10.10.2013 wherein it has decided to suspend the proceedings against the patta appeal application dated 18.03.2013 until the suit decides by the trial Court.

7. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the second respondent and perused the materials available on record.

8. The learned counsel for the petitioner in W.P.No.1690 of 2014 submitted that for the very same dispute, the petitioner has filed a suit in O.S.No.40 of 2011 before the District Munsif Court, Chengalpet for cancellation of sale deed against one D.K.Jain, who is the petitioner in W.P.no.22231 of 2013. The said Jain has also filed objection in the said suit and the suit is pending. In the meanwhile, the respondents sent notice to both the petitioners based on the complaint lodged by one of the petitioner viz., Ismail. However, the learned counsel for the petitioners in both the petitions seeks permission of this Court to canvas all the points before the first respondent at that



time of enquiry. The learned Additional Government Pleader has no serious objection for the contention raised by both the counsel for the petitioner.

9. Considering the fact that for the very same dispute, one of the petitioner has filed a suit and the same is pending before the concerned Court for cancellation of sale deed. When the suit is pending with regard to the subject property, the revenue officials have no power to take a decision. Therefore, this Court is inclined to pass the following orders:

(i) The District Munsif, Chengalpet shall pass orders in O.S.No.40 of 2011 on merits, within a period of six months from the date of receipt of a copy of this order, since the suit is pending for more than ten years;

(ii) After disposal of the suit, the succeeding parties are directed to file appropriate petition/application along with a decree before the respective revenue officials with regard to the subject matter; and

(iii) On receipt of such application, the revenue officials shall pass orders based on the decree passed by the trial Court.''

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Revenue Divisional Officer,  
Chengalpat Revenue Division at Chengelpat,  
Kancheepuram District.



2. The District Munsif Court,  
Chengalpet.

+1 CC to Mr.C. Prakasam, Advocate sr 14056  
+1 CC to Mr.G.Prabakaran, advocate sr 14034  
+1 CC to Mr.V.Balamurugane, Advocate sr 14072  
+1 CC to The Government Pleader sr 14588.

W.P. Nos.22231 of 2013 and 1690 of 2014  
and WMP.No.1 of 2013

AK(CO)  
SP(31/03/2022)