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W.P.No. 6276 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 6276 of 2011

and

M.P.Nos. 3 of 2011 and 1 & 2 of 2014

1. Om Prakash Agarwal
2. Soraj Agarwal
3. Ajay Agarwal
4. Amith Agarwal

... Petitioners

Versus

1. The District Revenue Officer
Tiruvallur District
Tiruvallur.
2. The Revenue Divisional Officer
Ponneri
Tiruvallur District.
3. P.S. Soundararajan
4. A.J. Suseela
5. R. Lakshmanan
6. Dhanam
7. Alamelu
8. Rajeswari
9. Sundaravadhanam
10. Giriraj

[R6 to R10 are impleaded as per order
dated 23.09.2015 in M.P.No.3 of 2014]

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the order of the first respondent in proceedings in Na.Ka.No.2475/2009/B3, dated 09.12.2010 and quash the same, and consequently to direct the respondents 1 and 2 herein to grant patta to the petitioners herein in respect of lands of an extent of 1.65 acres in Survey No.3, at Village No.85, Ayanambakkam, Ambattur Taluk and lands of an extent of 3 acres and 81 cents in Survey No.4, Village No.85, Ayanambakkam, Ambattur Taluk.

For Petitioners	: Mr.C. Raghunathareddy
For RR 1&2	: Mr.D. Ravichander Special Government Pleader
For RR 3 & 4	: Mr.V. Purushothaman
For R5	: Mr.Giridharsai

ORDER

The writ petition is filed challenging the order in Na.Ka.No.2475/2009/B3, dated 09.12.2010 passed by the first respondent/District Revenue Officer, quash the same, and for consequential direction to the respondents 1 and 2 to grant patta to the petitioners in



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respect of the lands measuring an extent of 1.65 acres comprised in Survey No.3, at Village No.85, Ayanambakkam, Ambattur Taluk and the lands measuring an extent of 3 acres and 81 cents in Survey No.4, at Village No.85, Ayanambakkam, Ambattur Taluk.

2. The case of the petitioners is that the aforesaid property comprised in S.No.3, measuring the extent of 1 acre and 65 cents, Ayanambakkam Village, Ambattur Taluk, Tiruvallur District, originally belonged to Rathina Mudali. After his demise, his son A.R.Varadaraja Mudaliar inherited the same and subsequently, he died in the year 1975. Thereafter, his two sons, namely, V.Sundaravadhanam and V.Giriraj and his wife Krishnaveni Ammal inherited the property. In the year 1985, they had executed four registered Power of Attorneys for sale dated 23.03.1985 in favour of (i) P.Vigneswari, (ii) P.N.Sundar @ P.Nithya Sundar, (iii) Sakthi Srilekha and (iv) Manonmani Palanisamy on the file of the District Registrar, North Madras. With regard to Survey No.4, Ayanambakkam Village, Ambattur Taluk, Tiruvallur District, originally belonged to one A.Balasubramania Mudaliar. After his demise, a partition took place in the year 1959 between his son Shanmuga Mudaliar and his grand sons Uma Maheswaran and



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Rathina Sabesan. Subsequently, they sold the entire extent of 3 acres 81 cents to National Farm Beach Complex Development Corporation, represented by its President Markand Desai, by way of sale deed, dated 10.08.1981 on the file of the Sub Registrar, Ambattur, and the said Markand Desai sold the entire extent in four transactions. As per the order dated 24.06.2009 passed by the second respondent herein, the second respondent granted patta in favour of the respondents 3 and 4. Aggrieved by the same, an appeal has been preferred before the first respondent. The first respondent, by his proceedings in Na.Ka.No.2475/2009/B-3, dated 09.12.2010, erroneously and mechanically confirmed the order dated 24.06.2009 in proceedings in Na.Ka.No.9503/2007/A1, passed by the Revenue Divisional Officer, Ponneri, Thiruvallur District, the second respondent herein, relating to cancellation of Patta in respect of two pieces of lands viz., Survey No.3, Ayanambakkam Village, Ambattur Taluk, Tiurvallur District measuring the extent of 1 acre and 65 cents and Survey No.4, Ayanambakkam Village, Ambattur Taluk, Tiurvallur District, measuring the extent of 3 acres and 81 cents. Based on the proceedings, the respondents 3 & 4 have obtained Patta No.1180 in respect of the aforesaid lands. Challenging the same, the present writ petition is filed under Article



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226 of the Constitution of India.

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3. The learned Special Government Pleader appearing for the respondents 1 & 2 submitted that there was some civil dispute between the petitioners and the respondents 3 to 5 and they can approach only before the competent civil Court with regard to title of the property and seek for issuance of patta. He further submitted that he has no objection for giving liberty to the petitioners to approach civil Court.

4. Heard both sides and perused the materials placed on record.

5. On a perusal of the entire records, it is seen that the aforesaid disputed properties in respect of the land comprised in S.No.3 measuring the extent of 1.65 acres and the land comprised in S.No.4 measuring the extent of 3 acres and 81 cents, are situated at Village No.85, Ayanambakkam, Ambattur Taluk. Originally, the property in S.No.3 belonged to one Rathina Mudali. After his demise, his legal heirs sold to private parties and society. Then, the property in S.No.4 belonged to one A.Balasubramania Mudaliar and the same was sold to some private parties



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and society. The fifth respondent herein has filed a suit in O.S.No.937 of 1991 before the District Munsif Court, Poonamallee, in respect of the aforesaid disputed properties and the same is pending. On a further perusal of the impugned order passed by the 1st respondent, the District Revenue Officer states that the aforesaid lands having been obtained on sale by the respondents 3 to 5 as per law, having got the Patta transferred in their names, they have been in possession and enjoyment of the concerned, rejecting the claim of the first petitioner and his brothers and also confirmed the Patta issued in the names of the aforesaid respondents in the appeal and the order of the second respondent, the Revenue Divisional Officer, Ponneri, in ROC.No.9503/2007, dated 24.06.2009 was confirmed. Aggrieved by the same, an appeal has been preferred by the petitioners before the first respondent and the first respondent, by his proceedings in Na.Ka.No.2475/2009/B-3, dated 09.12.2010, dismissed the appeal. While that being the case, the writ petitioners as well as the other contesting respondents are at liberty to adjudicate the matter before the competent civil Court and only after attaining finality in civil litigations, an application seeking grant of Patta or Modification shall be entertained. Therefore, this Court is not inclined to interfere with the order passed by the first



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respondent and further this Court cannot issue any affirmative direction to the respondents 1 and 2 and the relief sought for by the petitioners in the present writ petition cannot be granted and it is liable to be dismissed.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the parties and on a perusal of the entire records, this Writ Petition is dismissed. However, liberty is granted to the petitioners to file a civil suit and to decide the issue uninfluenced by any of the observations made by the Revenue Authorities before the competent civil Court to decide the issue with regard to title of the aforesaid disputed properties. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.09.2022

Index : Yes/No
Speaking order: Yes/No
msm

M.DHANDAPANI, J.

msm



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To

1. The District Revenue Officer
Tiruvallur District
Tiruvallur.
2. The Revenue Divisional Officer
Ponneri
Tiruvallur District.

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