

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30431 of 2012
and M.P.Nos.1 to 3 of 2012

Mrs.V.Shakila

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District, Tiruvallur.

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

3.The Tahsildar,
Ponneri, Tiruvallur District.

4.Mrs.Radhabai

5.P.D.Ravichandran

6.Minor Rishi
rep.by his father, next friend and guardian
R.Bhaskaran

7.C.J.Pasupathi

8.The Sub Registrar,
Thiruvottriyur, Chennai.

9.The Deputy Commissioner of Police,
Madhavaram, Chennai.

10.The Inspector of Police,
Manali New Nagar, Chennai 103.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus Calling for the records of the impugned orders dated 4.10.2012 in N.K.13096/ 12/B3 passed by the 1st respondent and dated 11.5.2012 in N.K.478/ 2012/A2 passed by the 2nd respondent and quash the same consequentially direct the 1st respondent to pass orders on the petitioner Revision Petition on merits and in

accordance with law by considering the evidences submitted by both parties and by perusing the records produced by the office of the respondents 2 and 3 within a reasonable time to be fixed by this Court.

For Petitioners : Mr.Aishwarya.Kfor N.Sreenivasalu

For RR1 to 3 : Mr.G.Nanmaran
Special Government Pleader

For RR4 to 5 : Mr.P.Sathishkumar

For R6 : Mr.P.S.Amalraj

O R D E R

The petitioner has filed this petition for Writ of Certiorarified Mandamus to call for the records of the impugned orders dated 4.10.2012, passed by the 1st respondent and dated 11.5.2012, passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to pass orders on the petitioner Revision Petition.

2. The case of the petitioner is that he is the absolute owner of the properties having an extent of 0.26.5 ares comprised in S.F.No.68/4 and having an extent of 0.52.5 ares comprised in S.F.No.68/2A, situated in Vichur I Village in Ponneri Taluk in Tiruvallur District, by virtue of a Settlement Deed dated 13.06.2008, executed by her mother. It is alleged by the petitioner already there was a civil dispute, with regard to the above said property, between the private respondent and the petitioner's mother. During the month of December 2011, the father of the 6th respondent, attempted to enter into his property, by stating that he has purchased the said lands from the 5th respondent, his brother Devendran and his sister Revathy, who are the children of the 4th respondent, by way of a Sale Deed. On coming to know about the illegal grant of patta in favour of the 4th respondent, the petitioner approached the office of the 3rd respondent, but he was asked to file an appeal before the 2nd respondent. Accordingly, the petitioner submitted an appeal petition on 21.12.2011, however, the said appeal was dismissed on 11.05.2012. Aggrieved by the order of the 2nd respondent, the petitioner has preferred Revision Petition on 12.05.2012 before the 1st respondent and 1st respondent has disposed of the said revision on 04.10.2012, by remanding the matter to the 2nd respondent for fresh disposal. Aggrieved by the said order of the 1st respondent, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner

submitted that though initially the petitioner made application for cancellation of patta before the original authority and the revisional authority, both the officials held against the petitioner and hence, this Court may grant liberty to the petitioner to file appropriate Suit before the competent Civil Court for redressal of his grievance and further subject to the outcome of the said Suit, the petitioner may be permitted to file appropriate application before the revenue officials for their grievance and further prays this Court that the period during which application and the petition pending before this Court, as well as before the revenue officials, may be excluded for the purpose of computation of limitation period in the Suit.

4. The learned Special Government Pleader appearing for the official respondents has no serious objections for said order being passed.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the opinion that admittedly there was a civil dispute between the petitioner and the private respondents and however, the title cannot be decided by the revenue officials and further in view of the limited prayer sought for by the learned counsel for the petitioner, this Court grants liberty to the petitioner to file appropriate Suit before the competent Civil Court and further subject to the outcome of the said Suit, the petitioner is granted permission to file appropriate application before the revenue officials for his grievance and the period during which application and the petition pending before this Court, as well as before the revenue officials, will stand excluded for the purpose of computation of limitation period in the Suit and the Trial Court without being influenced by any of the order passed by the revenue officials, shall decide the Suit independently.

7. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Thiruvallur District, Tiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.
- 3.The Tahsildar,
Ponneri, Tiruvallur District.8.The Sub Registrar,
Thiruvottriyur, Chennai.
- 4.The Sub Register
Thiruvottriyur, Chennai.
- 5.The Deputy Commissioner of Police,
Madhavaram, Chennai.
- 6.The Inspector of Police,
Manali New Nagar, Chennai 103.

+1cc to M/s.N.Sreenivasalu, Advocate, S.R.No.15093

+1cc to the Government Pleader, S.R.No.15913

W.P.No.30431 of 2012

RR(CO)

SB(22/03/2022)