



W.P.No.2928 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

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

W.P.No.2928 of 2015

and

M.P.Nos.1 & 2 of 2015

C.Natarajan

...Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Kancheepuram Revenue Division,
Kancheepuram.
3. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur.
4. B.Chandra
5. Rajeswari Swaminathan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka.3139/2013/A3, dated 10.10.2014 and the consequent order of the 3rd respondent in Na.Ka.2212/2012/A2, dated 21.01.2015,



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cancelling the Patta Nos.370 and 404 issued in the name of the petitioner for the petition property, comprised in Survey No.414 / 3B - 0.11.5 hectare,

Survey No.438/3 - 0.21.0 hectare, Survey No.439/3 - 0.04.5 hectare, Survey No.512/5-0.13.5 hectare and Survey No.439/2- 0.06.5 hectare, totally measuring an extent of 0.57.0 hectare (i.e) Acres 1.41 Cents, situate at Amarambedu Village, Sriperumbudur Taluk, Kancheepuram District and quash the same as without jurisdiction and illegal and consequently direct the 3rd respondent to restore Patta Nos.370 and 404 for the petition property in the name of the petitioner.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.Yogesh Kannadasan, Spl.GP, for R1-R3.
: Mr.Dr.R.Sampathkumar, for R4.
: Mr.V.Kubaran,
for M/s.Rank Associates, for R5.

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in respect of the order dated 10.10.2014 passed by the 2nd respondent in Na.Ka.3139/2013/A3 and a consequent order of the 3rd respondent in Na.Ka.2212/2012/A2, dated 21.01.2015, quash the same and consequently direct the 3rd respondent to restore the patta in the name of the petitioner.

2. The case of the petitioner is that he for permanent injunction and to



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declare the Will dated 19.11.1991 as null and void, claims to be the owner of the properties comprised in Survey Nos.414/3B, 438/3, 439/3, 512/5 and 439/2 totally measuring an extent of 0.57.0 hectare situated at Amarambedu Village, Sriperumbudur Taluk, Kancheepuram District and the same was bequeathed along with some other properties in his favour, vide, Will dated 19.11.1991 executed by his parents and the revenue records in respect of the same was also mutated in his favour and two Patta bearing Patta Nos.370 and 404 were also issued in favour of the petitioner. Whiles, in November 2012, the petitioner received a summon from the 2nd respondent, calling for enquiry regarding cancellation of pattas issued in his favour, pursuant to which, the petitioner appeared before the 2nd respondent and submitted the relevant documents and the decree passed in suit in O.S.No.188 of 2000 filed by the 4th respondent, for permanent injunction and to declare the Will dated 19.11.1991 as null and void, which was dismissed as withdrawn on 21.02.2006.

3. However, without considering any of the same, the 2nd respondent passed an order dated 10.10.2014 in Na.Ka.3139/2013/A3, cancelling the patta issued against the petitioner and consequently directed the 3rd

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respondent to restore the revenue entry of the subject property to the previous position and a consequential direction to conduct enquiry and issue fresh patta after affording an opportunity of hearing to the 5th respondent. Aggrieved by the same, the petitioner preferred an Appeal dated 20.10.2014 before the 1st respondent and sent a copy of the same to the 2nd and 3rd respondents. Whiles, the 3rd respondent complied with the order dated 10.10.2014, passed by the 2nd respondent and cancelled the patta issued in favour of the petitioner, vide, proceedings in Na.Ka.2212/2012/A2 dated 21.01.2015. Hence, challenging the above said orders passed by the 2nd and 3rd respondents respectively, the present Writ petition is filed.

4. Though very many grounds have been raised, learned counsel appearing for the petitioner, on instructions, submitted that, during the pendency of the Appeal, the petitioner filed a suit in O.S.No.62 of 2015 on the file of the District Munsif Court, hence, it would suffice, if this Court grants permission to the petitioner to canvas all his grievances before the Civil Court, where the Suit in O.S.No.62 of 2015 is pending.

5. In view of the stand taken by the learned counsel for the petitioner



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and further, the fact that the present case involves disputed questions of fact and the same cannot be entertained under Article 226 of the Constitution, this Court without interfering with the orders under challenge, grants permission to the petitioner as well as the private respondents to canvas all their grievances before the Civil Court where the suit in O.S.No.62 of 2015 is pending. Further, liberty is granted to the party, who succeeds in the said suit to file fresh application before the revenue officials for mutation of revenue records in respect of the subject property, based on the decree that may be passed in the said suit.

6. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

14.06.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The District Revenue Officer,

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Kancheepuram District,
Kancheepuram.

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2. The Revenue Divisional Officer,
Kancheepuram Revenue Division,
Kancheepuram.
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Sriperumbudur Taluk Office,
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M.DHANDAPANI,J.

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