



W.P.No.21438 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No21438 of 2016

and

W.M.P.No.18329 of 2016 & W.M.P.No.9482 of 2017

Jerome Pushparaj

. . . Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram

2. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

3. Mr.E.Krishnamurthy

. . . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the 1st Respondent herein in his proceedings Na.Ka.24983/2013/No.4 dated 12.03.2016 and quash the same.



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For Petitioner : M/s.J.Sudhakaran

For Respondents : Mr.G.KrishnaRaja,

Additional Government Pleader for R1 & R2

ORDER

The present petition has been filed seeking to quash the impugned Proceedings dated 12.03.2016 passed by the 1st Respondent.

2. It is the case of the petitioner that he had purchased the subject property from one Chandran vide two registered sale deeds. The petitioner is in absolute possession and enjoyment of the same and the revenue records in respect of the said property stands in the name of the petitioner. The above said property was originally assigned to one Rajamanickam, who died leaving behind his son namely Ellappan. Thereafter, said Ellappan died leaving behind his son Ettiappan. As per the Revenue Standing Orders, revenue records in respect of the above said property were mutated in favour of said Ettiappan, who, in turn, had sold the property vide the sale deed dated 08.06.2007 to one Chandran who is the vendor of the petitioner.



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While being so, based on the claim of the 3rd respondent before the Revenue Authorities, that, said Ettiappan is not the grand son of said Rajamanickam as both of them belongs to different community, Patta granted in favour of the petitioner was cancelled vide the order impugned in this Writ Petition, against which, the petitioner filed a suit in O.S.No.230 of 2012 seeking injunction, on the file of District Munsif, Madaranthakam. Pending disposal of the suit, the petitioner has filed the present petition seeking to quash the impugned order of this Writ Petition.

3. Though very many grounds have been raised, however, it is fairly conceded by the learned counsel for the petitioner that the petitioner may be permitted make a fresh application for issuance of patta in the event of the petitioner succeeds in the suit.

4. Learned Additional Government Pleader appearing for the Respondents 1 & 2 submits that, during the pendency of the suit with regard to the title of the property before the competent Civil Court, without establishing the title of the property in the suit, filing of Writ Petition before



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this Court is not sustainable.

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5. Heard the learned counsel on the either side and perused the materials available on record.

6. In view of the fair stand taken by the learned counsel on the either side, this Court is inclined to grant liberty to the petitioner to make a fresh application for issuance of patta subject to the outcome of the suit.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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NHS

Index : Yes / No

Internet : Yes / No



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To

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Kancheepuram
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M.DHANDAPANI, J.

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