



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22416 of 2014

Mrs.A.Keerthi

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Thiruttani Division,
Thiruvallur District.

3.Dr.M.Sri Kiran

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in his proceedings Na.Ka. 12172/2013/N2, dated 12.03.2014, in respect of the petitioner property comprised in Survey No.270/1, measuring extent of 0.15 Acre (6540 sq.ft.), situated at Subramaniapuram, Tiruttani Village , Tiruttani Town & Taluk, Tiruvallur District and quash the same as arbitrary illegal violation of law and colourable exercise of power.

For Petitioner : Mr.R.Munuswamy

For RR1 & 2 : Mr.A.Anandan
Government Advocate

For RR3 : Mr.Adinarayana Rao

O R D E R

The petitioner has filed this Writ Petition to call for the records of the 1st respondent in his proceedings Na.Ka. 12172/2013/N2, dated 12.03.2014, in respect of the petitioner's property comprised in Survey No.270/1, measuring extent of 0.15 Acre (6540 sq.ft.), situated at Subramaniapuram, Tiruttani Village, Tiruttani Town & Taluk, Tiruvallur District and quash the same.

2. The petitioner is in absolute possession and enjoyment of



the property in Survey No.270/1, measuring extent of 0.15 Acre (6540 sq.ft.), situated at Subramaniapuram, Tiruttani Village, Tiruttani Town & Taluk, Tiruvallur District and she acquired the property from her husband by virtue of a deed of Settlement, dated 03.08.2012 and the said property is a punja land and a royatwari patta was issued in favour of her husband and further her husband sold the adjacent properties to the 3rd respondent and his wif by different Sale Deeds and retained the property in question for his personal use and occupation. While being so, the 3rd respondent and his wife compelled to sell the petition property to them. Since it was refused, the 3rd respondent approached the revenue authorities to cancel the revenue records and the revenue authorities / 1st respondent also without assigning any reasons have issued summons dated 14.11.2013 to her husband to appear before him. Hence, the petitioner has filed a Suit in O.S.No.169/2013 as against the respondents and others for declaration of title and permanent injunction in respect of the said property before the Principal District and Sessions Court, Tiruvallur and the suit is pending for further proceedings. Thereafter, her husband appeared before the 1st respondent along with all the necessary documents and subsequently, the said proceedings was closed as the Suit was pending. Further to his shock and surprise, the Personal Assistant to the District Collector (General), Tiruvallur, issued a similar summons dated 05.12.2013 for petitioner's appearance. Challenging the said proceedings, the petitioner has already filed W.P.No.9152 of 2014 and the same is pending. While so, on 12.07.2014, the petitioner was shocked to receive two orders from the 1st respondent, both dated 12.03.2014 and in the impugned order, the 1st respondent directed the 2nd respondent to conduct enquiry regarding the validity and genuineness of patta transfer made in the petitioner's name and to cancel the same, if found to be irregular and wrong. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that though the respondents not cancelled the patta stands in the name of the petitioner, however issued direction to the Revenue Divisional Officer to conduct enquiry, and to cancel the same, if found to be irregular. Though very many grounds have been raised in the writ petition, the learned counsel for the petitioner has limited his prayer to the extent that this Court may permit the petitioner to canvass all those things before the competent Civil Court, where the Suit is pending and prays for appropriate order in that regard.

4. The learned counsel appearing for the private respondents submitted that this Court may permit the 3rd respondent to file appropriate implead petition in the Suit, filed by the petitioner and canvass all the points.



5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. It is the claim of the petitioner that though he claims that he is the absolute owner of the property and having revenue records in his name, the 1st respondent vide order dated 12.03.2014, directed the 2nd respondent to conduct enquiry regarding the validity and genuineness of patta transfer made in the petitioner's name and to cancel the same, if found to be irregular and wrong. On persual of the impugned order, this Court is of the opinion that the impugned order is only a direction to the 2nd respondent to check the validity of the patta stands in the name of the petitioner. The petitioner shall prove his bonafide title over the property by producing relevant documents before the 2nd respondent, on notice for enquiry.

7. In view of the above, there is no grievance for the petitioner vide the impugned order of the 1st respondent, directing the 2nd respondent to conduct enquiry regarding the validity and genuineness of patta transfer made in the petitioner's name. Since no adverse orders are passed against the petitioner, this Court is not inclined to interfere with the impugned order and further this Court directs the 2nd respondent to conduct enquiry based on the order passed by the 1st respondent, after affording opportunity to the petitioner as well as the 3rd respondent, in order to found whether the patta stands in the name of the petitioner is genuine or not.

8. For the reasons aforesaid, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Revenue Divisional Officer,
Thiruttani Division,
Thiruvallur District.

+1cc to Mr.R.Munuswamy, Advocate, S.R.No.8262
+1cc to the Government Pleader, S.R.No.8686

W.P.No.22416 of 2014

GMR (CO)
SB(22/03/2022)