



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25855 of 2014

and

W.M.P.No.1 of 2014

S. Palani

... Petitioner

Vs

1. The District Revenue Office,
Kanchipuram.

2. The Revenue Divisional Officer,
Kanchipuram.

3. The Tasildhar,
Sriperambudur, Kanchipuram,

4. M.S.Venkatesan,

5. M.S. Aranganathan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Certiorari or any other appropriate writ or direction to call for the records on the file of 1st Respondent in ROC no 6021/2013/N3 dated 28.08.2014 and quash the same as illegal, incompetent, unconstitutional and without jurisdiction.

For Petitioner ... M/s.V. Raghavachari

For Respondents ... Mr. R. Vigneswaran,
Government Advocate for R1 to R3.

... M/s. P. Sivamani for R4 & R5.

O R D E R

The present petition has been filed seeking the relief of the quashment of the impugned order dated 28.08.2014 passed by the 1st Respondent.



2. It is the case of the petitioner that after the demise of his father, he is in possession of the properties in Survey Nos.506, 530, 508 523/2 situated at Mangadu village. While being so, the interference of the Respondents 4 & 5/private respondents in petitioner's possession of the subject property, had prompted him to file a suit in O.S.No.442 of 2009 on the file of the District Munsif Court, Sriperamputhur and the said suit was decreed ex-parte on 27.09.2009 and the patta was also granted in favour of the petitioner with respect to the subject properties, which lead the private respondents to file subsequent suits in the lower courts, however, the same are pending consideration. In the meanwhile, he Respondents 4 & 5 preferred an appeal before the 2nd Respondent. Despite being aware of the pendency of the civil suits, without conducting a proper enquiry, the 2nd Respondent had passed the impugned order dated 14.02.2013 canceling the patta granted in favour of the petitioner with respect to the subject properties. Against the said order, the petitioner had preferred an appeal before 1st Respondent/District Revenue Officer, however, the said appeal was dismissed confirming the order of the 2nd Respondent herein. Challenging the same, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner submits that though the present petition has been filed seeking quashment of the order impugned in this Writ Petition, since, the civil proceedings are pending consideration before the competent civil courts with respect to the subject properties, the petitioner may be permitted to canvas the relevant points in the suits which are filed by the petitioner as well as the private respondents without being influenced by the order impugned in this Writ Petition.

4. On the above contention, heard the learned Government Advocate appearing for the official respondents and perused the materials available on record.

5. Upon perusal of the materials available on record, this Court, is not inclined to interfere with the order impugned in this Writ petition, however, the petitioner is permitted to canvas all those points pertaining to the title of the subject properties, in the suits pending before the competent civil courts. Further, if the petitioner succeeds in the suit which is pending consideration, it is open for the petitioner to file a fresh application for issuance of patta before the Revenue authorities with regard to the subject properties.



WEB COPY

6. Accordingly, this Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Revenue Office,
Kanchipuram.
2. The Revenue Divisional Officer,
Kanchipuram.
3. The Tasildhar,
Sriperambudur, Kanchipuram.

+lcc to Mr.V.Ragavachari, Advocate SR.No.25905

+lcc to Mr.P.Sivamani, Advocate SR.No.25680

+lcc to the Government Pleader SR.No.26352

W.P.No.25855 of 2014

and

W.M.P.No.1 of 2014

VSN II (CO)

GN(06/06/2022)