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W.P.No.16718 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.16718 of 2014
and M.P.No.1 of 2014**

Thiruvengadam

...Petitioner

Versus

1.The Principal Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

P.Sivaraman (deceased)

2.Mr.Audithan

(R2 is impleaded vide order dated 14.11.2022 made in W.M.P.No.15971 of 2022)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the first respondent in Ref.D.Dis.No.K3/RP35/2005 dated 12.08.2013 and quash the same.



W.P.No.16718 of 20...

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For Petitioner : Mr.M.Muthappan
For Respondent - 1 : Mr.U.Bharanidharan,
Additional Government Pleader
For Respondent – 2 : Mr.P.Chandrasekar

ORDER

The relief sought by the petitioner in this writ petition is to call for the records of the first respondent in Ref.D.Dis.No.K3/RP35/2005 dated 12.08.2013 and quash the same.

2. The case of the petitioner is that he purchased a property comprised in Old S.No.160/3A measuring to an extent of 2,016 Sq.ft situated in Sembiavarambal Village, Kumbakonam Taluk from one Mr.Govindarajan vide Sale Deed dated 03.09.1986 which was registered as Document No.742/1986. The correspondent new survey number to the said property is S.No.253/23. From the date of purchase of said property, the petitioner has been in possession and enjoyment of the same. The Patta to the said property was issued in the name of petitioner. While so, the father of second respondent claimed for transfer of patta has made an objection



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before the Tahsildar, Kumbakonam. The Tahsildar, Kumbakonam vide order dated 30.11.1992 has cancelled the patta issued to the petitioner. Hence, the aggrieved petitioner has preferred an appeal before the Sub-Divisional Magistrate-cum-Revenue Divisional Officer. The Sub-Divisional Magistrate-cum-Revenue Divisional Officer vide order in Pa.Mu.Na.Tha.P.299/2000-A3 dated 08.01.2003 dismissed the said appeal. Aggrieved over the dismissal of appeal, petitioner preferred a revision petition before the District Revenue Officer, Tanjore, but, the same also came to be dismissed on 31.01.2005, against which, the petitioner preferred an appeal by way of revision before the first respondent. Though the petitioner made representations repeatedly, the first respondent did not dispose of the revision petition filed by the petitioner. Hence, the petitioner filed a writ petition in W.P.No.3621 of 2013 before this court seeking to direct the first respondent to consider and dispose the revision filed by him. Thereafter, the petitioner submitted his written arguments in the said revision petition. However, the first respondent vide order in Ref.D.Dis.No.K3/RP35/2005 dated 12.08.2013 dismissed the said revision petition. Aggrieved over the same, petitioner has filed the present writ petition before this Court.



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3. The learned Additional Government Pleader appearing for the first respondent submitted that the petitioner has filed a suit in O.S.No.371 of 2021 before the Principal District Munsif Court, Kumbakonam seeking for the relief of declaration that he is the owner of the subject property as per the Sale Deed dated 20.08.1986 and also, for injunction restraining the second respondent from disturbing his peaceful possession and enjoyment of the subject property and the same is pending. He further submitted that the petitioner has filed the said suit by suppressing the fact that his claim for inclusion of the property in the Patta was negatived by all the Authorities. The second respondent is taking steps to reject the plaint in O.S.No.371 of 2021.

4. As far as this case is concerned, the issue involved herein is a civil dispute and the same has to be decided by the competent Civil Court. Therefore, this Court without interfering with the order which is impugned herein, directs the Principal District Munsif Court, Kumbakonam to decide the issue involved in suit O.S.No.371 of 2021, without being influenced by any of the order passed by the Revenue Officials as well as the first respondent, as expeditiously as possible.



WEB COPY



W.P.No.16718 of 20_

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

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The Principal Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.



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W.P.No.16718 of 2014

M.DHANDAPANI, J.

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W.P.No.16718 of 2014

14.11.2022