



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19701 of 2014

Packiam

... Petitioner

Vs.

1. The District Revenue Officer,
Office of District Revenue Officer,
Cuddalore.

2.S.Mohanasundram

3.Kalian

4.Rajakannu

5.Senji Lakshmi

... Respondents

PRAYER: The Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorari calling for the records of impugned order dated 06.08.2013 of the 1st respondent herein in his proceedings Na.Ka.Vi.2/3805/2013 wherein the 1st respondent herein had cancelled that the assignment with respect to the lands in Marungoor Village Old Survey No.765/1A (New Survey No.164/1A) measuring an extent of hectare 1.90.5 and declared to be taken over by the Government and quash the same.

For Petitioner : Mr.R.Syed Mustafa

For Respondents : Mr.G.Nanmaran,
(R1) Special Government Pleader

O R D E R

The petitioner has filed this petition for Writ of Certiorarified Mandamus calling for the records of impugned order of the 1st respondent wherein the 1st respondent herein had cancelled the assignment with respect to the lands in Marungoor Village, Old Survey No.765/1A (New Survey No.164/1A), measuring an extent of hectare 1.90.5 and declared to be taken



over by the Government and quash the same.

2. The case of the petitioner is that the petitioner has purchased a property in Marungoor Village Old S.F.No.765/1A (New S.F.No.164/1A) measuring hectare 1.90.5 to an extent of 2 acres from the 5th respondent vide registered Sale Deed dated 20.07.2006. Meanwhile, the children of the 5th respondent filed a Suit in O.S.No.98 of 2007 for a relief of partition and to declare the Sale Deed executed to the petitioner by the 5th respondent as null and void and the said Suit was dismissed on 28.07.2010 and as against the same, the 5th respondent preferred an appeal in A.S.No.853 of 2010 and an order of interim injunction was also granted vide order dated 07.12.2012 and it is pending. While so, when the petitioner approached the Revenue Department, Government of Tamil Nadu for payment of kist, the Department intimated the petitioner of an order dated 06.08.2013 of the 1st respondent, in an by which, the original assignment of the year 1934 to the predecessor of the petitioner's vendor was cancelled, which is impugned in this Writ Petition. On enquiry, it was found that the 2nd respondent herein filed petition before the 1st respondent herein seeking transfer of patta with respect to the above said land, in favour of the original assignee Manickkam or his legal representatives, who succeed his estate

3. The learned counsel appearing for the petitioner submitted that the 1st respondent on receipt of a complaint from the 2nd respondent, initiated the impugned proceeding without giving notice to the necessary parties, and cancelled the assignment in respect of lands in the above said Survey Number. Further the learned counsel appearing for the petitioner submitted that the petitioner's vendor filed another Writ Petition in W.P.NO.25484 of 2013, challenging the very same impugned order dated 06.08.2018 and the said Writ Petition was dismissed by granting liberty to the petitioner therein to workout remedy before the competent Civil Court. Admittedly, the petitioner vendor filed a Civil Suit in O.S.No.172/2013 and the same is pending on the file of the District Munsif Court, Panruti. In view of the above, this Court may close the Writ Petition by granting liberty to the petitioner to file appropriate application for disposal of the Suit filed by the petitioner vendor.

4. The learned Government Advocate appearing for the official respondents has no serious objections for the said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case and considering the limited request sought for by the petitioner, grants liberty to him to go before the competent Civil Court, wherein the Suit



filed by the petitioner vendor in O.S.No.172/2013, is pending and shall file appropriate application for disposal of the Suit.

6. This writ petition is accordingly disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sk

To

The District Revenue Officer,
Office of District Revenue Officer,
Cuddalore.

+1cc to Mr.R.Syed Mustafa, Advocate, S.R.No.16762
+1cc to the Government Pleader, S.R.No.16699

W.P.No.19701 of 2014

PM(CO)
CT 31/03/2022