



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.9202 of 2017 & 8571 of 2018
and
W.M.P. Nos. 10130 of 2017 & 10506 of 2018

Manohar,
S/o. K. Murugesan

...Petitioner in both W.P.s

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram,
Kancheepuram Dt.
3. The Revenue Divisional Officer,
Tambaram,
Kancheepuram Dt.
4. Meenakshi Nagar Kudieruippor Nala
Sangam, rep. by its Secretary,
No.17, 3rd Street, Meenakshi Nagar,
Pallikaranai Village,
Sozhingannallur Tk., Kancheepuram Dt.

..Respondents in
W.P.No.9202 of 2017

1. The Superintending Engineer,
South - II Distribution,
TANGEDCO, K.K.Nagar,
Chennai-78.
2. The Executive Engineer,
TANGEDCO,
Mudichur Road,
Chennai-600 048.
3. Assistant Executive Engineer,
TANGEDCO,
Chennai-600 048.



4. Assistant Engineer,
TANGEDCO,
No.6, Thulukananthamman Kovil St.,
Pallikaranai, Chennai-100.

5. The Revenue Divisional Officer,
Tambaram,
Kancheepuram Dt.

..Respondents in
W.P.No.8571 of 2018

Prayer in W.P.No.9202 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records relating to the order passed by he 3rd respondent in proceedings Pa.Mu. No.616/2016 dated 04.03.2017 quash the same and further directing the 3rd respondent to restore patta in favour of the petitioner's wife.

Prayer in W.P.No.8571 of 2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the electrical pole erected in the petitioner property situated at Karpagavinayagam Nagar, Pallikaranai comprised in S.No.377/4A and measuring an extent of 2450 sq.ft. and S.No.377/4B measuring an extent of 682 sq.ft. total measuring an extent of 3112 sq.ft. situated at Pallikaranai Village, Sozhinganallur Taluk, Kancheepuram District.

For Petitioner in : Mr.Venkataswamy Babu
both W.P.s

For Respondents in
W.P. No.9202 of 2017: Mr.M.R.Gokulkrishnan,
Addl. Govt. Pleader
for R1 to R3
Mr.T.V.G.Kartheeban for R4

For Respondents in
W.P.No.8571 of 2018 : Mr.L.Jai Venkatesh,
Standing Counsel for R1 to R4

Mr.M.R.Gokul Krishnan,
Addl. Govt. Pleader for R5

O R D E R

W.P. No. 9202 of 2017

This Writ Petition has been filed challenging the order passed by the 3rd respondent Revenue Divisional Officer cancelling the patta.



2.Mr.M.R.Gokul Krishnan, learned Additional Government Pleader appearing for respondents 1 to 3, on instructions, would submit that, challenging the very same order, the petitioner has also filed an appeal before the District Revenue Officer, Chennai and the same is pending.

3.Considering the fact that, the petitioner has already filed an appeal before the appellate authority against the order passed by the 3rd respondent, the prayer sought in this Writ Petition is not maintainable. Accordingly, the Writ Petition in W.P.No. 9202 of 2017 is dismissed. The petitioner is permitted to raise all the grounds raised in this Writ Petition before the appellate authority.

W.P. No. 8571 of 2018

This Writ Petition has been filed seeking a direction directing the respondents to remove the electrical pole erected in the petitioner property situated at Karpagavinayagam Nagar, Pallikaranai comprised in S.No.377/4A and measuring an extent of 2450 sq.ft. and S.No.377/4B measuring an extent of 682 sq.ft. at Pallikaranai Village, Sozhangannallur Taluk, Kancheepuram District.

2.Now, it is stated that, earlier, patta granted to the petitioner for the above said land has been cancelled by the 5th respondent Revenue Divisional Officer. Challenging the said order, the petitioner has filed an appeal before the appellate authority District Revenue Officer, Kancheepuram District and the same is still pending. In the said circumstances, the prayer sought in this Writ Petition cannot be granted at this stage. Accordingly, the Writ Petition in W.P. No. 8571 of 2018 is dismissed. If the petitioner gets any favourable order in the appeal, it is always open to him to renew this Writ Petition. The appellate authority District Revenue Officer is directed to consider the petitioner's appeal and pass suitable orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the copy of this order. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram,
Kancheepuram Dt.
3. The Revenue Divisional Officer,
Tambaram,
Kancheepuram Dt.
4. The Superintending Engineer,
South - II Distribution,
TANGEDCO, K.K.Nagar,
Chennai-78.
5. The Executive Engineer,
TANGEDCO,
Mudichur Road,
Chennai-600 048.
6. Assistant Executive Engineer,
TANGEDCO,
Chennai-600 048.
7. Assistant Engineer,
TANGEDCO,
No.6, Thulukananthamman Kovil St.,
Pallikaranai, Chennai-100.

+2cc to M/s.Venkataswamy Babu, Advocate, S.R.No.20245, 20246

+1cc to M/s.L.Jaivenkatesh, Advocate, S.R.No.19547

+1cc to the Government Pleader, High Court, Madras, S.R.No.20354

W.P.Nos.9202 of 2017
& 8571 of 2018

GP(CO)
RGA(24/05/2022)