



WP.No.30020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.30020 of 2022

Mr. K. Chandra Babu

.. Petitioner

Vs

1. The State, represented by the
Inspector of Police,
Vengam Police Station,
Vengam,
Thiruvellore District.
2. The Sub Divisional Magistrate/
Sub Collector,
Thiruvallur District.
3. Thiru.S.K. Palani
4. Tmt.Geetha Palani

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records by the 2nd respondent passed in Na.Ka.316/2016/A1, dated 21.03.2022 and to quash the same and to direct the 2nd respondent to allow the petitioner to continue in possession and also to direct the 2nd respondent to issue the order for protecting the interest of the petitioner's land situated at No.74, Big Street, Sembedu Village, Thiruvallur District comprised in S.Nos.186/5A,5C and 9B in pursuance of the order dated 21.03.2022.



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For Petitioner : Mr. S. Thiruvengadam

For Respondents : Mr. S Santhosh
Govt. Advocate (crl.side)

ORDER

This writ petition has been by the petitioner challenging the proceedings dated 21.3.2022 of the 2nd respondent and for further direction to the 2nd respondent to allow the petitioner to continue in possession of his lands and also to issue order for protecting the interest of the petitioner's land comprised in S.Nos.186/5A, 5C and 9B, Sembedu Village, Thiruvallur District pursuant to order dated 21.3.2022.

2. The learned counsel appearing for the petitioner submitted that in the impugned order passed in Na.Ka.No.316/2016/A1, dated 21.3.2022, the 2nd respondent/Revenue Divisional Officer, based upon the report of the Tahsildar, Thiruvallur, having found that the patta in respect of above stated disputed lands stands in the name of one Kuppu Reddy, who is the father of this petitioner; a civil case in O.S.No.21 of 2014 is pending before the District Munsif Court, Thiruvallur between the petitioner and respondents 3 and 4 and



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stated that he was unable to give any finding to decide the title over the disputed lands and therefore he directed the parties to the dispute to work out their remedy before the trial court concerned.

3. It is further contended by the learned counsel for the petitioner that the lands comprised in S.Nos.186/5A, 5C and 9B, Sembedu Village, Thiruvallur District is an ancestral property and patta for the same stood in the name of petitioner's father and after his death, the legal heirs are enjoying the property. Whiles, the 3rd and 4th respondents herein who are claiming right over the said properties based on an alleged sale agreement entered with one of the petitioner's deceased brother, who is having 1/6th share in the said properties, disturbed the petitioner's possession over the disputed properties. Thereafter, as per the direction of the Court in W.P.No.27938 of 2016, the Sub Collector, by his order dated 08.12.2018 passed an order in favour of the petitioner. Aggrieved over the same, the respondents 3 and 4 filed Crl.R.C.No.81 of 2019 to set aside the same, wherein, this court by order dated 8.2.2019, remanded back the matter to the 2nd respondent for fresh consideration. Pursuant to which, a notice was issued to the petitioner in



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Na.Ka.316/2016/A1 on 8.5.2019 and thereafter no action has been taken.

Hence the petitioner filed W.P.No.34363 of 2019 seeking for a direction to 2nd respondent to expedite the enquiry and in that said writ petition, this Court by an order dated 11.12.2019, directed the 2nd respondent to enquire into the matter and complete the same within two months therefrom. Pursuant to which, the 2nd respondent has passed the impugned order directing the parties to work out their remedy before the trial court.

4. It is his further contention that the petitioner and his family were alone is in possession of the properties along with title and the respondents 3 and 4 have no manner of right and title whatsoever over the properties. Furthermore, the respondents 3 and 4 have failed to get any order in their favour based on their documents before the civil court. Thus he prayed for quashing the impugned order and also prayed for consequential directions.

5. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondents 1 and 2 and perused the materials available on record.



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6. Perusal of records, it is seen that there is a dispute between the petitioner and the respondents 3 and 4 with regard to the property mentioned above. In this regard, there is a complaint and enquiry and a writ petition was also filed before this Court. Apart from that, as per the directions of this Court in Crl.R.C.No.81 of 2019 and Crl.M.P.No.804 of 2019, dated 8.2.2019 and also in W.P.No.34363 of 2019 dated 11.12.2019, the 2nd respondent conducted enquiry on 21.3.2022.

7. Records would further reveal that during the course of enquiry, the 2nd respondent obtained a report from the Tahsildar, Thiruvallur and in that report, the Tahsildar had reported that the patta in respect of the properties in Survey No.186/5A, 186/5C and 186/9B of Sembedu Village, stands in the name of one Kuppu Reddi, Son of Venkatarama Reddy i.e., the father of the petitioner.

8. Further, it is observed that a civil case pertaining to the properties in dispute is pending in O.S.No.21 of 2014 before the District Munsif Court



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Tiruvallore. Under these circumstances, the 2nd respondent was unable to decide the right over the properties and directed the parties to approach the concerned civil court.

9. Since a civil case in O.S.No.21 of 2014 is pending between the parties to dispute before the District Munsif Court, Thiruvallur, this court feels that it is appropriate for the parties to work out their legal remedy before the concerned civil Court. In view of the above, this court does not want to interfere in the order passed by the second respondent. Therefore, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Internet : Yes/ No

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To

1. The State, represented by the
Inspector of Police,
Vengam Police Station,
Vengam, Thiruvellore District.
2. The Sub Divisional Magistrate/
Sub Collector, Thiruvallur District.

V. SIVAGNANAM, J.



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