



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.36 OF 2014
W.M.P.NOS.1 & 2 OF 2014

1.S.Bathrachalam

2.B.Rani

... Petitioners

Vs.

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

2. The Sub Collector,
Cuddalore,
Cuddalore District.

3. The Tahsildar,
Panruti Taluk,
Cuddalore District.

4. T.K.K.Arumugha Chettiar

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order bearing Na.Ka.V3/1265/2013 dated 15.10.2013 of the first respondent herein and quash the same.

For petitioner : Mr.J.Rajmohan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
(for R.1 to R.3)
Mr.R.Selvakkodi (for R.4)

ORDER

The petitioner has filed this petition to issue a Writ of Certiorari to call for the records pertaining to the order



bearing Na.Ka.V3/1265/2013 dated 15.10.2013 of the first respondent herein and quash the same.

2. Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioners is that they are owners of the property comprised in R.S.No.550/3, Old Survey No.275/20, measuring an extent of 0.09.50 Ares, situated at Kadampuliyur Village, Panruti Taluk, Cuddalore District. The said property is their ancestral property and Patta was also issued in favour of the first petitioner bearing Patta No.948 as early as in the year 1968. During the year 1996, a partition suit was filed by petitioner's brother's in O.S.No.638 of 1996, and same was dismissed on 19.03.2004, as against the decree they filed an appeal and the same was also dismissed. In the meantime, Patta was wrongly transferred in favour of the fourth respondent and immediately, after dismissal of the said suit, the Patta issued in favour of the fourth respondent was cancelled and the same was rectified by the Tahsildar, Panruti. Thereafter, the property was settled in favour of the second petitioner and Patta was also transferred in her name in Patta No.1473. Challenging the same, the fourth respondent filed a petition in W.P.No.28703 of 2007. Subsequently, the second respondent cancelled Patta which stands in the name of the second petitioner and issued Patta in favour of the fourth respondent. Aggrieved by the same, petitioners have preferred an appeal before the first respondent, and the same was dismissed on 15.10.2013 by confirming the order of the second respondent. Challenging the same, the present writ has been filed by the petitioners.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that there is a title dispute in between the petitioners and the fourth respondent. Hence, without interfering the impugned order, this Court may permit the petitioners to work out their remedy before the competent Civil Court.

6. The learned counsel appearing for the private respondent submits that the fourth respondent had passed away. However, the fourth respondent purchased the above said property through Court auction on 01.10.1999. Hence, the order passed by



the appellate authority can not be interfered.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, without interfering with the impugned order, liberty granted to the petitioners to work out their remedy in the manner known to law by impleading the legal heirs of the fourth respondent. If any suit is filed, competent Civil Court is directed to pass appropriate orders without being influenced by the orders made by the Revenue Officials.

8. Accordingly, with the above liberty to the petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The District Revenue Officer,
Cuddalore,
Cuddalore District.
2. The Sub Collector,
Cuddalore,
Cuddalore District.
3. The Tahsildar,
Panruti Taluk,
Cuddalore District.

+1cc to the Government Pleader, S.R.No.19511

W.P.No.36 of 2014
M.P.Nos.1 & 2 of 2014

PMK (CO)
PM/05/04/2022