



Writ Petition No.7912 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31/10/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.7912 of 2014

a n d

M.P.Nos.1 and 2 of 2014

S. Chandra

...

Petitioner

Vs

1. The Commissioner
Municipal Administration
Local Administration Ministry
Fort St. George
Chennai 600 005.

2. The District Collector
Cuddalore District.

3. The Municipal Commissioner
Chidambaram Municipality
Cuddalore District.

4. The Sub-Registrar
Sub-Registrar Office
Chidambaram
Cuddalore District.

5. K. Kannapiran

6. N. Hariharanaganathan

...

Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the impugned order of the third respondent dated 7/2/2014 bearing Pe.Mam.No.20/2014/A2 and quash the same.

For petitioner	...	Mr.S.A.Shanmugam
For respondents	...	Mr.D.Gopal Government Advocate for R.R.1 and 2.
		Mr.V.Kasinathabharathi for R.3.
		Mr.K.Tippu Sulthan Government Advocate for R.4.
		Mr.M.Prabhakar for R.5.
		Mr.AR.L.Sundaresan Senior Counsel for Ms.A.I.Ganthimathi for R.6.



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ORDER

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This writ petition has been filed to quash the order of the third respondent, dated 7/2/2014.

2. The facts of the case in a nutshell are as follows:-

The petitioner inherited the house site measuring 2401 Sq.feet bearing Town Survey No.859, Block No.9, situated at 10/3 Angalamman Koil Street, Chidambaram from his mother, by way of a registered Settlement Deed, dated 9/1/1991 and 6/2/1991. Thereafter, muted all the revenue records, viz., property tax, water tax, electricity connection, etc. On 6/7/2005, fifth respondent had created a false document and executed the sale in favour of the sixth respondent. Despite the representations, dated 3/10/2013 and 30/12/2013, given by the petitioner, before the third and second respondent, respectively, document has been registered. To quash the same, the petitioner has come forward with the instant writ petition.

3. Heard Mr.S.A.Shanmugam, learned counsel for the petitioner, Mr.D.Gopal, learned Government Advocate for the respondents 1 and 2,

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Mr.V.Kasinathabharathi, learned counsel for R.3, Mr.K.Tippu Sultan, learned Government Advocate for the fourth respondent, Mr.M.Prabhakar, learned counsel for the fifth respondent and Mr.AR.L.Sundaresan, learned Senior Counsel for the sixth respondent.

4. The learned counsel appearing for the petitioner submitted that in spite of his detailed representations, seeking not to transfer the property in favour of sixth respondent, third respondent has passed the impugned order, dated 7/2/2013, without conducting any enquiry.

5. The learned Senior Counsel appearing for the sixth respondent submitted that they are the purchaser of the property and only based on the tile, Proceeding has been passed. He further submitted that Civil Suit is pending in S.A.No.59 of 2014.

6. Perused the materials available on record.

7. The very writ petition itself is filed with regard to the title and the same has been seized by the Civil Court and now culminated into Second



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Appeal, this Court is of the view that since the civil right is involved, title is also disputed by each of the parties, same should be decided by the Civil Court.

8. Accordingly, this writ petition is disposed of. Rights of the parties depend upon the judgment of the Civil Court. No costs. Consequently, the connected Miscellaneous Petitions are closed.

31/10/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J

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To

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