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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13681 of 2019
And
WMP Nos.13737 of 2019 and 5932 of 2021

Mr.T.Jose ... Petitioner

Vs.

1.The Assistant Settlement Officer (North),
Chepauk,
Chennai-600 005.

2.The Special Tahsildar,
Special Town Settlement,
Pallavaram.

3.Dr.S.Socrates

4.Dr.S.Ramesh

5.P.R.Ravichandran

6.R.Shanmuga Priya
(R-6 impleaded vide order of Court
dated 19.06.2019 made in WMP No.16732
of 2019 in WP No.13681 of 2019) ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent culminating in his impugned proceedings bearing Na.Ka.E2/4912/2017 dated 07.02.2019 (signed on 08.02.2019) dismissing the Appeal filed by the petitioner and others and thereby confirming the second respondent's impugned proceedings bearing Na.Ka.07/2016/A1 dated 04.07.2017, quash the same and forbear the respondents and/or other Revenue Authorities from in any manner dealing with or interfering with the petitioner's property, viz., vacant house site at Royapettah Hamlet of Zamin Pallavaram Village, 200 Feet Road, Pallavaram Municipality Ward No.C, Block No.25, Old Survey No.203/5, New Survey No.203/9, as per Patta No.160 after sub-division the present Survey No.203/9A2, Town Survey No.9/3, measuring 2,606 sq. feet in Alandur Taluk, Kancheepuram District, till the disposal of the Civil Suits pertaining to the said property.

For Petitioner : Mr.Arun Anbumani

For Respondents-1 and 2: Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondents-3 and 4: Mr.R.Gowthama Narayanan

For Respondent-5 : Notice Served. No Appearance

For Respondent-6 : Mr.K.Elango

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O R D E R

The order passed by the Assistant Settlement Officer in proceedings dated 07.02.2019 as well as the Appellate Order, are under challenge in the present writ petition.

2. With reference to the issues disputed between the parties to the lis on hand, the learned counsel appearing on behalf of the respondents 3 and 4 furnished the copy of the appeal pending before the Settlement Officer, Chennai.

3. The appeal was filed by the respondents 3 and 4 against the orders impugned in the present writ petition.

4. When the Appellate Authority is in the process of hearing the issues between the parties under the provisions of the Act and the Settlement Officer, being the Appellate Authority, this Court must allow the Appellate Authority to consider the issues on merits and in accordance with law.

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5. The learned counsel for the respondents 3 and 4 further contended that summons were already issued to all the parties, including the petitioner and enquiry is in progress.

6. This being the factum, the Settlement Officer has to adjudicate the issues on merits by affording an opportunity to all the parties concerned and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

15-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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Chennai-600 005.

2.The Special Tahsildar,
Special Town Settlement,
Pallavaram.

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S.M.SUBRAMANIAM, J.

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