



W.A.No.2056 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2056 of 2021

Nathar Auliya Dharga
Rep. by its Jamathar
No.290, Salavakkam Village & Post
Uthiramerur Taluk
Kanchipuram District.

.. Appellant

Vs.

1. Syed Rahiman (Died)
2. Syed Gaffer
3. The District Collector
Kanchipuram District
Kanchipuram.
4. The District Revenue Officer
Kanchipuram District
Kanchipuram.
5. The Tahsildar
Uthiramerur Taluk
Kanchipuram.



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6. Rasool

7. Rafi

.. Respondents

[R6 & R7 brought on record as LR's of
R1 vide order dated 14.09.2023 in
C.M.P.Nos.19725 to 19727/13]

Prayer: Appeal filed under Clause 15 of the Letters Patent against the
order dated 26.09.2019 made in W.P.No.9393 of 2018.

For the Appellant : Mr.R.Abdul Mubeen

For the Respondents : Mr.A.Prabhakar
for Respondents 2, 6 & 7

Mrs.R.Anitha
Special Government Pleader
for Respondents 3 to 5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Abdul Mubeen learned counsel for the
appellant, Mr.A.Prabhakar, learned counsel for the respondents 2, 6
and 7 and Mrs.R.Anitha, learned Special Government Pleader for the
respondents 3 to 5.



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2. The present respondents 1 and 2 had filed the writ petition challenging the order passed by the fourth respondent dated 29.02.2016 dismissing the revision petition filed by them. The appellant is issued with patta. The same was the subject matter of challenge. The learned Single Judge set aside the proceedings of the fourth respondent and directed the fourth respondent to reconsider the representation of the respondents 1 and 2 and to pass appropriate orders, considering the judgments of the Civil Court.

3. Learned counsel for the appellant submits that the writ petition ought to have been dismissed on the ground of suppression of facts. The respondents 1 and 2/original writ petitioners suppressed the factum of filing of an earlier writ petition bearing No.28355 of 2017, wherein similar relief was claimed. The same was pending. During the pendency of the said writ petition, the instant writ petition was filed, without adding the appellant as a party and obtained orders from the Court. On the ground of



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suppression of fact, the appeal deserves to be dismissed. Reference is also made to other documents and judgments of the civil Court.

4. It appears that the appellant had filed O.S.No.281 of 1979 for declaration of ownership and injunction. The trial Court came to the conclusion that the appellant is the owner of the property. However, held that the respondents 1 and 2 were in possession of the property. Appeal was filed by the appellant. It appears that the respondents 1 and 2 have filed cross appeal. The Appellate Court reversed the findings of the trial Court and held that the appellant is not the owner of the property nor in possession of the property. The said order, it appears, has become final.

5. Be that as it may, the learned Single Judge has considered the said aspect. The learned Single Judge has considered the judgments of the civil Court.

6. In the light of that, we are not inclined to interfere with the



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judgment of the learned Single Judge. It is made clear that in case some other remedies are available, it is for the parties to avail the same.

7. The writ appeal stands dismissed. There will be no order as to costs. Consequently, C.M.P.Nos.13043 & 13045 of 2021 and 6453 of 2022 are also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)

16.11.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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