



WEB COPY

W.P.No.22918 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22918 of 2023

and

W.M.P.No.22413 of 2023

Anbudurai

... Petitioner

Vs.

1.The District Collector,
Cuddalore.

2.The Sub Collector,
Chidambaram.

3.The Thasildhar,
Kattumannar Koil.

4.Sathasivam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records quash the Impugned order passed by the 2nd respondent vide No.Na.Ka.No.A1/1802/2023 dated 14.07.2023.



For Petitioner

: Mr.A.Murthy

For R1 to R3

: Mr.D.Ravichander

Special Government Pleader

ORDER

The enquiry notice issued by the Sub Collector in proceedings dated 14.07.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he is in possession and enjoyment of the house site property situated in Mannarkudi Village in New Resurvey No.180/1, Old Resurvey No.24/9A1A1 as per the Court decree and other documents passed over 60 years and above. The petitioner states that he had obtained a decree from the District Munsif Court at Kattumannar in R.C.O.P.No.1 of 1988 in Ea.No.1 of 2011 dated 14.03.2007.

3. The petitioner states that the 4th respondent created a sale deed in his favour in May 2022 and attempting to correct the revenue records. The 3rd respondent Tahsildar issued a memo to the petitioner for his appearance. The petitioner was not in a position to appear before the 3rd respondent. Hence, the son of the petitioner filed an objection before the District Collector not to



alter or correct the revenue records. The petitioner has instituted a civil suit in O.S.No.24 of 2023 and the same is pending. Under those circumstances, the 2nd respondent issued summon to the petitioner to appear and produce the documents.

4. The learned counsel for the petitioner states that the Civil Suit is pending and therefore, the Revenue Authorities ought not to have entertained the application from the 4th respondent for the purpose of correcting the revenue records.

5. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 raised an objection by stating that the petitioner suffered a decree in a Rent Control Court instituted by the original owner of the property. Thereafter, he has filed an application under Section 47 of Civil Procedure Code not to execute the decree, which was ordered by the District Munsif Court, Kattumannar Kovil in I.A.No.1 of 2004 in R.C.O.P.No.7 of 1988. The Rent control Court passed a original decree of eviction against the petitioner on 29.11.1990. After a lapse of about 11 years, the petitioner filed Interlocutory Application in R.C.O.P.No.7 of 1988 under Section 47 of Civil



Procedure Code to not to evict the petitioner. The said petition was allowed in favour of the petitioner. Accordingly, the petitioner continued as a tenant in the subject property.

6. The petitioner states that the 4th respondent is the subsequent purchaser of the subject property and attempting to correct the revenue records. The flow of facts would reveal that the petitioner was a tenant in the subject property and a decree of eviction was obtained by the original owner against the petitioner and he filed a petition under Section 47 of Civil Procedure Code and thereafter, continued as a tenant in the same premises. Probably the original owner having no other remedy but to sell the property to the 4th respondent as he was not in a position to evict the tenant. Now the 4th respondent is attempting to change the revenue records and at that point of time the petitioner instituted a fresh suit in O.S.No.24 of 2023 for permanent injunction. The suit was instituted mainly on the ground that the petitioner purchased the property from the owner on oral basis. He states that he purchased the property based on the oral promise given by the original owner and agreed to pay a sum of Rs.5/- lakhs. The entire transaction seems to be sham.



7. This Court is of the considered opinion that the motive of the petitioner with reference to the facts placed before this Court appears to be doubtful. Further, the suit instituted now in O.S.No.24 of 2023 also amounts to abuse of process of law. By merely filing such suits, the parties are attempting to grab the property, which cannot be encouraged. Thus, the Sub Collector in the present case has to proceed with the enquiry in all respects by verifying the documents and pass appropriate orders on merits and in accordance with law. The petitioner is at liberty to place all his documents and other relevant evidences, if any before the authority for the purpose of deciding the issues.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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