



WEB COPY



W.P.No.11884 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.11884 of 2017

D.Subash

... Petitioner

Vs.

1.The Revenue Divisional Officer, (R.D.O.)
Cheyyar Division, Cheyyar,
Tiruvannamalai District.

2.The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

3.M.Malickbasha
4.P.Ponnusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in proceedings (A4) 4303/2003 dated 12.9.2004 on the file of 1st respondent and to quash the same.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.S.Ravichandran
Addl. Government Pleader for R1 & R2

: No appearance for R3

: Mr.Vijaya Raja
for Mr.R.Sasikumar for R4



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ORDER

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The order passed by the Revenue Divisional Officer, Cheyyar in Proceeding dated 12.09.2004 is sought to be quashed. The writ petition itself has been instituted after a lapse of 13 years and therefore, it is liable to be dismissed on the ground of laches.

2. The petitioner states that he is the patta holder in respect of the subject property described in the writ proceedings. The 3rd respondent also claimed patta for which he is not entitled. However, the authorities have erroneously transferred the patta in the name of the 3rd respondent and the application was filed to cancel the same. As far as the petitioner is concerned, the Revenue Divisional Officer held that the petitioner has not produced any document to establish his right. More so, the subject land has been classified as 'Grama Natham' and for assignment or grant of patta, the authorities are bound to follow the Government Orders scrupulously.

3. In the present case, the petitioner has not established his right with reference to the Government orders before the competent authority.



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More so, civil suits have been instituted by the parties in O.S.No.362 of 2004 and in O.S.No.734 of 2005. In respect of the civil suits, the parties have to establish their rights independently based on the documents and evidence on record. Since the petitioner and the 3rd respondent have already instituted the suits, they are at liberty to establish their civil rights through documents and evidences independently. After disposal of the civil litigations, they are at liberty to approach the competent authorities for appropriate orders.

4. With the above clarifications, the Writ Petition stands dismissed.

However, there shall be no order as to costs.

30.06.2023

Index : Yes / No

Speaking order : Yes / No

Sgl

To

- 1.The Revenue Divisional Officer, (R.D.O.)
Cheyyar Division, Cheyyar,
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S.M. SUBRAMANIAM, J.

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