



W.P.Nos.12587 of 2017 & 15832 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.12587 of 2017

&

W.M.P.Nos.13392 & 19072 of 2017

and

W.P.No.15832 of 2014

&

M.P.No.2 of 2014

W.P.No.12587 of 2017

P.Chandrasekaran

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Chengalpet Zone,
Kancheepuram District.
2. The Tahsildar,
Tiruporur Taluk,
Chengalpet Zone,
Kancheepuram District.
3. M/s.Sundar-Sekar Firm,
Represented by its Proprietor,
1/38, Vepery High Road,
Chennai – 600 007.
4. Sambandham (Died)



W.P.Nos.12587 of 2017 & 15832 of 2014

WEB COPY 5. S.Meenakshi

6. S.Sellammai

7. S.Adaikkammai

8. S.Sethukkarasi

[R5 to R8 substituted as LR's of the
deceased fourth respondent vide order
dated 30.06.2023 made in W.M.P.No.9138 of 2023
in W.P.No.12587 of 2017]

9. Minor.Meenu Vaishnavi
Represented by her father and
natural guardian Mr.Ramanathan
G-1, Plot No.3 & 4,
Sambandam Gardens,
Taramani Link Road, Velachery,
Chennai – 600042.

[R9 impleaded as L.R's of the deceased
fourth respondent vide order dated 30.06.2023
made in W.M.P.No.9141 of 2023 in W.P.No.12587 of 2017]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to restore the patta No.93 and No.696 in S.No.99/5C1C4, 99/5C1C6, 99/5C2A4, 99/5C2B6 and 99/5C2B4 in the name of the petitioner.

For Petitioner : No appearance



W.P.Nos.12587 of 2017 & 15832 of 2014

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For R1 & R2 : Mr.P.Gurunathan
Additional Government Pleader

For R3 : Mr.S.Ramesh

R4 : Died

For R5 to R8 : M/s.T.S.Vijaya Raghavan

R9 : Minor

W.P.No.15832 of 2014

S.Sambandham (died)

1. S.Meenakshi
2. S.Sellammai
3. S.Adaikkammai
4. S.Sethukkarasi

[Petitioners 1 to 4 substituted as
LR's of the deceased petitioner vide
order dated 16.11.2023 made in
W.M.P.No.9131 of 2023 in W.P.No.15832 of 2014]

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Chengalpattu.



W.P.Nos.12587 of 2017 & 15832 of 2014

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2. The Tahsildar,
Thiruporur Taluk,
Thiruporur.

3. P.Chandrasekar @ Chandrasekaran

4. Minor Meenu Vaishnavi,
rep. Herein by her father and
natural guardian Mr.Ramanathan
G-1, Plot No.3 & 4, Sambandam Gardens,
Taramani Link Road,
Velalchery,
Chennai – 600 042.

[R4 impleaded as L.R of the deceased
petitioner vide order dated 16.11.2023
made in W.M.P.No.9133 of 2023 in
W.P.No.15832 of 2014]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to call for the records relating to the first respondent made in Na.Ka.No.5213/2013B dated 30.05.2014 and quash the same with respect to the petitioner's land comprised in S.No.99/5C over an extent of 3.60 Acres in Muttukkadu Village, Thiruporur Taluk (formerly Chengalpattu Taluk), Kancheepuram District.

For Petitioner : T.S.Vijaya Raghavan



W.P.Nos.12587 of 2017 & 15832 of 2014

For R1 & R2 : Mr.P.Gurunathan
Additional Government Pleader

For R3 : Mrs.S.Radha Gopalan

R4 : Minor

COMMON ORDER

W.P.No.15832 of 2014

This Writ Petition has been filed to issue a Writ of Certiorari to call for the records relating to the first respondent made in Na.Ka.No.5213/2013B dated 30.05.2014 and quash the same with respect to the petitioner's land comprised in S.No.99/5C over an extent of 3.60 Acres in Muttukkadu Village, Thiruporur Taluk (formerly Chengalpattu Taluk), Kancheepuram District.

2. Learned counsel appearing for the petitioner submitted that the petitioner purchased the property. The third respondent has already sold his share of the property. After purchase of major portion of the property, the Revenue Records were mutilated by the Tahsildhar in favour of the petitioner and other persons. Subsequently, the third respondent, after making settlement in favour of his wife and children has given an



W.P.Nos.12587 of 2017 & 15832 of 2014

application to the Tahsildar, to mutilate the Revenue Accounts, which was rightly rejected by the Tahsildar, vide order dated 13.08.2013, against which, third respondent preferred an appeal before the first respondent who conducted enquiry and cancelled the proceeding of the Tahsildar. Pending appeal, the petitioner filed the civil suit in O.S.No.288 of 2014 and the same is pending. Originally, it was filed before District Munsif Court, Chengalpattu in O.S.No.288 of 2014. Subsequently, it has been transferred to District Musif Court, Alandur, due to territorial jurisdiction and the same is pending. Therefore, pending the Civil suit, Revenue authority, namely the first respondent herein has no authority to set aside the order passed by the second respondent.

3. Learned Additional Government Pleader appearing for the official respondents submitted that title dispute, validity of the document and other things are involved in this matter and hence, the Civil Court is the competent court to decide the dispute involved in the writ petition.

4. Admittedly there is a rival claim regarding the right and title and also execution of the document. Civil dispute is involved in this



W.P.Nos.12587 of 2017 & 15832 of 2014

matter. Already, the writ petitioner has invoked civil jurisdiction and filed the civil suit before the Civil Court. The disputed parties can work out their remedy before the Civil Court in the said pending suit. Since the parties approached the Civil court and the suit is pending, the impugned order passed by the Revenue Authority regarding right, title and possession will not prevail them.

5. With the abovesaid observation, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

W.P.No.12587 of 2017

6. Heard the learned counsel appearing for the respondents and perused the materials available on record.

7. When the matter came up for hearing on 03.11.2023, there was no representation for the petitioner. This Court vide order dated 21.04.2021, at request made by the learned counsel for the petitioner, directed the Registry to tag this writ petition along with W.P.15832 of 2014. Today also, when the matter is taken up for hearing, there is no



W.P.Nos.12587 of 2017 & 15832 of 2014

representation for the petitioner. The fourth respondent herein died pending writ petition. Hence, legal heirs of the deceased fourth respondent herein have been impleaded in this case. The second respondent passed the order in Na.Ka.No.1334/2014/A2 dated 07.04.2017. It is seen that suppressing the above order passed by the second respondent, the writ petition has been filed for simple writ of mandamus. The writ petitioner has not come to Court with clean hands. He has not whispered anything about the order passed by the second respondent dated 07.04.2017. In spite of challenging the said order, he filed the writ petition for Mandamus. Further, it is seen that Civil suit is also pending between the parties.

8. As pointed by the learned counsel for the impleaded respondents R5 to R9, the second respondent passed the order dated 07.04.2017, in which the writ petitioner is also a party and copy of the order has also been addressed to the writ petitioner. On a perusal of the affidavit filed by the writ petitioner, it is found that he has not whispered about the order passed by the second respondent dated 07.04.2017. If at



W.P.Nos.12587 of 2017 & 15832 of 2014

all, he is aggrieved, he ought to have challenged the said order and suppressing the said order, he has filed the present writ petition. Since the parties have approached the Civil court and the matter is pending, the petitioner is not entitled to get the relief as sought for in the writ petition. It is left to the parties, to work out their remedy before the Civil Court in the manner known to law.

9. Hence the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.11.2023
(3/3)

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

Note:

Registry is directed to make necessary amendment in the cause title.



W.P.Nos.12587 of 2017 & 15832 of 2014

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- To**
1. The Revenue Divisional Officer,
Chengalpet Zone,
Kancheepuram District.
 2. The Tahsildar,
Tiruporur Taluk,
Chengalpet Zone,
Kancheepuram District.
 3. The Revenue Divisional Officer,
Chengalpattu.
 4. The Tahsildar,
Thiruporur Taluk,
Thiruporur.



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W.P.Nos.12587 of 2017 & 15832 of 2014

P.VELMURUGAN, J.

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