



W.P.No.11246 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.11246 of 2011

and

M.P.No.2 of 2011

M.K.Manivannan

... Petitioner

versus

- 1.The District Collector,
District Collectorate Office,
Kancheepuram District.
- 2.The District Revenue Officer,
District Collectorate Office,
Kancheepuram District.
- 3.The Revenue Divisional Officer,
Maduranthagam Taluk,
Maruranthagam,
Kancheepuram District.
- 4.Balaraman Naicker

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records from the office of the

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third respondent herein and to quash the impugned order passed by the third respondent dated 11.11.2010 in Na.Ka.No.2562/2010/C.

For Petitioner : Mr.Kumar
For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader for R1 to R3
R4 -Tapal returned as Deceased

ORDER

The writ petition has been filed challenging the impugned order in Na.Ka.No.2562/2010/C, dated 11.11.2010 passed by the third respondent.

2. The learned counsel for the petitioner submitted that originally the petitioner purchased the subject property from one N.Vajiravelu, through his Power Agent M.K.Krishnan vide Sale Deed Dated 20.06.2005 and also obtained patta in Patta No.297 in his favour. After purchasing the subject property, it came to the light that the said N.Vajiravelu, cancelled the power of attorney given to M.K.Krishnan in respect of the subject property. Hence, the petitioner has filed the suit before the District Munsif Court, Maduranthagam for declaration of title of the schedule mentioned property.

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Since the value of the suit property is beyond the jurisdiction of the Court, the Court below by impugned order dated 26.07.2005 returned the plaint for filing it before the Competent Court. Challenging the same, the petitioner preferred a Civil Revision Petition in C.R.P(NPD).No.1749 of 2005 before this Court. In the meanwhile, the said N.Vajiravelu executed a sale deed in respect of schedule mentioned property in favour of the fourth respondent herein vide Doc.No.3906 of 2007, dated 22.08.2007. While so, the fourth respondent filed a suit in O.S.No.48 of 2009 before the Sub Court, Maduranthagam for declaration of title in respect of the scheduled mentioned property and the same is still pending. Subsequently, the fourth respondent filed a petition before the third respondent on 01.02.2008 for cancellation of Patta stood in the name of the petitioner and the same was dismissed by the third respondent on the ground that C.R.P(NPD).No.1749 of 2005 is still pending and the dispute can be decided after the outcome of the orders of the High Court in the Civil Revision Petition. Again, the fourth respondent filed a petition before the third respondent herein for cancellation of Patta given in favour of the petitioner, without adding the petitioner as a party. On 11.11.2010, the third respondent passed the



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impugned order cancelling the Patta stood in the name of the petitioner, without affording an opportunity to the petitioner. He further submitted that the third respondent failed to consider the fact that the civil dispute is pending between the petitioner and the fourth respondent before the Sub Court, Maduranthagam in O.S.No.48 of 2009 and before this Court in C.R.P.(NPD).No.1749 of 2005 and passed the impugned order and hence, the same is liable to be set aside.

3. Heard both sides and perused the materials available on record.

4. It is seen from e-Court status of the case in C.R.P.No.1749 of 2005 that the Civil Revision Petition was already dismissed by this Court on 10.10.2011. However, the suit in O.S.No.48 of 2009 is still pending before the Sub Court, Maduranthagam regarding the title, therefore, the petitioner is at liberty to work out his remedy before the Civil Court. After disposal of the suit, they can approach the Revenue Authority for issuance of Patta.



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5. With the above directions, this writ petition is disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No
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P.VELMURUGAN, J.

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