



W.P No.2752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P No.2752 of 2024
and
W.M.P No.3021 of 2024

M.Sekar

... Petitioner

Vs.

- 1.The District Collector
Tiruvallur District.
- 2.The District Revenue Officer
Tiruvallur District
- 3.The Revenue Divisional Officer
Tiruttani Taluk
Tiruvallur District.
- 4.The Tahsildar
Tiruttani Taluk
Tiruvallur District.
- 5.Rajammal
- 6.G.Sekar

... Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the order passed by the 2nd respondent dated 28.11.2023 vide ந.க.332626/2022/ஆ/1 and quash the same.

For Petitioner : Mr.G.Mohanram
For Respondents : Mr.S.Jayachandran for R1 to R4
Government Advocate
Mr.V.Manohar for R5 and R6

ORDER

This petition has been filed challenging the impugned order passed by the Revenue Authorities directing the parties to approach the competent Civil Court.

2. It is the case of the writ petitioner that the petitioner's great grand father Munusamy Reddy acquired 1.20 cents comprised in Survey No.21/1. After his death, the petitioner's grand father Chinnasamy Reddy and his brother Gopal Reddy acquired their equal share in the land i.e 60

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cents each. Subsequently, the petitioner's grand father Chinnasamy sold his share of 17 cents out of 60 cents to one Rajammal, who is the 5th respondent herein, in the year 1982. Therefore, the petitioner's father inherited only the balance 43 cents. Whereas, the 4th respondent has issued patta in favour of the 5th respondent in respect of 60 cents and subsequently, the patta was transferred in the name of 6th respondent. Since the application was given by the petitioner, the impugned order came to be passed. Challenging the same, the present writ petition is filed.

3. The main contention of the writ petitioner is that he is entitled to 43 cents in the entire area. However, the 5th respondent had purchased 17 cents out of 60 cents entitled by Chinnasamy Reddy. Therefore, granting patta for 60 cents by the authorities cannot be sustained. From the impugned order, it reveals that there is no sub-division from the inception and the application has been given after four decades of UDR. Therefore, Authorities relegated the parties to the civil court. The petitioner traced his title through inheritance. This Court directs the petitioner to



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establish his right over the property before the civil court. If any such suit is filed, the same has to be decided on its own merits without the influence of the order passed by the Revenue Authorities dated 28.11.2023. The rights of the parties shall be decided on its own merits. The Civil Court shall not be influenced by the impugned order. On the other hand, it can decide the rights of the parties based on the evidence adduced independently.

4. With the above direction, this Writ Petition is disposed of.
no costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
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To

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N.SATHISHKUMAR,J.

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**W.P No.18170 of 2024
and
W.M.P No.3021 of 2024**

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