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W.P. No.20453 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.20453 of 2010 and
M.P.Nos.1 and 2 of 2010

1. M.Radhakrishnan (Deceased)
2. R.Gunasekaran
3. A.Mala
4. R.Seenuvasan
5. R.Venkatesan
6. R.Manjula Lakshmi
7. R.Vasantha

... Petitioners

(P2 to P7 are substituted as LR's of the
deceased P1 vide order dated 12.06.2019
made in WMP No.9557/2019 in WP No.20453/2010)

Vs.

1. The District Revenue Officer
Villupuram, Villupuram District
2. The Revenue Divisional Officer
Thirukoilur, Villupuram District
3. The Tahsildar
Ulundurpet Taluk Office
Ulundurpet, Villupuram District



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4. Murugan

5. R.Govindaraj Perumal

... Respondents

(R5-impleaded as per order dated 19.01.2024
in WMP No.9558/2019 in WP No.20453/2010)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the 1st respondent passed in his proceedings No.A3/R.P.7/2004 (A3/52386/2003) dated 31.01.2005 and confirming the order passed by the 2nd respondent in his proceedings Na.Ka.A4/4022/2003 dated 01.09.200 and quash the same.

For Petitioners	: Mr.T.Gandhi
For R1 to R3	: Mr.T.Arun Kumar Additional Government Pleader
For R4	: M/s.R.Meenal
For R5	: Tapal returned (left)

ORDER

This Writ Petition is filed challenging the proceedings of the 1st respondent in No.A3/R.P.7/2004 (A3/52386/2003) dated 31.01.2005, confirming the order passed by the 2nd respondent in his proceedings Na.Ka.A4/4022/2003 dated 01.09.2003 and quash the same.



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2.The learned counsel for the petitioners submitted that the property bearing Syurvey No.629/1, situated at U.Keeranur Village, Ulundurpet Taluk is originally a Grama Natham land in which the 1st petitioner/deceased and others, about 42 years back, occupied the property by developing house site and put up superstructure by investing their hard earned money and based on the possession and enjoyment, he got patta in the year 1998 and was enjoying the property. While so, the 4th respondent made objection before the Government stating that it is a pathway. based on which, the patta that was cancelled by the 2nd respondent by order dated 01.09.2003 was confirmed in the Revision in the order dated 31.01.2005. Hence, the present Writ Petition is filed.

3. It is seen that the Petitioner filed suit in O.S.No.125 of 2003 on the file of the Principal District Munsif Court, Ulundurpet, in which injunction was granted, but declaration was denied. Challenging the same, the private respondent filed appeal in A.S.No.04 of 2018 on the file of the Sub-Court, Ulundurpet, in which, the petitioner filed cross objection.



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Subsequently, the appeal filed by the private respondent was dismissed and

the cross objection filed by the writ petitioner was allowed and declaratory decree was granted in favour of the writ petitioner. Under these circumstances, the impugned order passed by the respondent has to go with the civil Court's decree. Unless the appellate Court set asides or reverses or stays, the respondents/Revenue Authorities is liable to issue patta in the name of the petitioner and that the Patta issued in the name of the petitioner is subject to the outcome of the appeal.

4. With the above observations, the Writ Petition is disposed of.

Consequently connected Miscellaneous Petitions are closed. No costs.

22.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

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P.VELMURUGAN. J.

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