



W.P.No.10202 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.10202 of 2018
and W.M.P.No.12134 of 2018

Arul

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.

2.The Revenue Divisional Officer,
Ambattur, Anna Nagar Extn.,
Chennai – 600 101.

3.The Tahsildar,
Maduravayal,
Chennai.

4.Indumathi

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the records relating to Rc.No.7147/2017(B3) dated 24.02.2018 on the file of the first respondent and quash the same as null and void.



W.P.No.10202 of 2018

For Petitioner : Mr.P.R.Shankar

WEB COPY

For Respondents 1 to 3 : Mr.K.Suresh,
Government Advocate

For Respondent 4 : No appearance

ORDER

This writ petition has been filed by the petitioner to call for the records relating to Rc.No.7147/2017(B3) dated 24.02.2018 on the file of the first respondent and quash the same as null and void.

2. The case of the petitioner is that the petitioner has purchased an extent of 2400 sq.ft. in S.No.265/3 and 281/1 part of Nolambur Village from one Mr.M.Johnson, G.V.Suresh, G.V.Ramesh and G.V.Balamurugan by way of a deed of sale registered as Doc.No.2586 of 2005. The said deed of sale was signed by Mr.Johnson for self and on behalf of the aforesaid G.V.Suresh, G.V.Ramesh and G.V.Balamurugan as their duly appointed power of attorney registered as Doc.No.197 of 2004 dated 08.03.2003. A patta in this regard was also issued in his favour vide patta No.1795.



2.1. This being so, the aforesaid G.V.Suresh, G.V.Ramesh and G.V.Balamurugan attempted to trespass into the subject property, the petitioner has filed suit in O.S.No.524 of 2013 on the file of the District Munsif Court, Ambattur prayer for permanent injunction. Besides this claiming, the petitioner was given power of attorney for an extent of 5686 sq.ft. vide deeds of power of attorney registered as Doc.Nos.196/2004 and 198/2004, the petitioner has sold an extent of 5686 sq.ft. of land to his wife by way of a deed of sale registered as Doc.No.217 of 2007. Thereafter, on 04.06.2024, the fourth respondent has sent a representation dated 04.06.2024 to the second respondent to cancel the patta issued in favour of the petitioner, followed by the same, the fourth respondent, who is also one of the co-parcener in the said property has also filed a suit in O.S.No.435 of 2016 stating that though she was also having a share in the said property, the same was conveyed in favour of the petitioner in the absence of her. Hence, she filed the said suit with a prayer to declare the Doc.Nos.217 of 2007 and 2586 of 2005 as null and void.

2.2. Pending suit in O.S.No.435 of 2016, the second respondent has



passed an order in Na.Ka.No.2342/2014/A2 dated 20.02.2017 by directing the third respondent to cancel the patta issued in favour of the petitioner and his wife. Challenging the said order, the petitioner has preferred an appeal before the first respondent and the same was dismissed vide Rc.No.7147/2017 (B3) dated 24.02.2018. Aggrieved over the said order, the petitioner has come forward with the present writ petition.

3. When the matter was taken up for hearing, learned counsel for the petitioner submitted that the petitioner has filed suit in O.S.No.524 of 2013 on the file of District Munsif Court, Ambattur. For better appreciation, the prayer of the aforesaid suit is extracted hereunder:

“a) For granting permanent injunction restraining the defendants their men and agent or servants from trespass into the suit schedule property or in any manner of interfering with the plaintiff's peacefull possession and enjoyment of the suit property.

b) Directing the defendants to pay cost of the suit and

c) pass sch other relief's as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”



4. Learned counsel for the petitioner further submitted that the fourth respondent viz., Indumathi has also filed a suit in O.S.No.435 of 2016 on the file of District Munsif Court, Ambattur. For better appreciation, the prayer of the suit is extracted hereunder:

“a) to declare that the sale deed executed by the 3 to 6 defendants with General Power of Attorney deed in favour of the 1st and 3rd defendants as registered document Nos.217 of 2007 and 2586/2005 at SRO, Konnur dated 22.01.2007 and 23.05.2005 which is null and void and for consequential permanent injunction restraining the defendants, their men, agents, servants or any person claiming under them not to put up any further construction in the suit schedule mentioned properties.

b) for costs of the suit.

c) for such other relief or reliefs as this Hon'ble Court may deem fit and proper.”

5. Heard the learned counsel on either side and perused the materials available on record.

6. Since both the suits are in fag end of the trial, this Court directs the District Munsif Court, Ambattur to dispose both the suits i.e., O.S.No.524 of



W.P.No.10202 of 2018

2013 and O.S.No.435 of 2016 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Consequently, the respondents 1 to 3 are directed not to take any action in regard to the mutation of records, till the out come of the aforesaid suits pending before the District Munsif Court, Ambattur.

7. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

23.07.2024

vm

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
- 2.The Revenue Divisional Officer,

Page No.6 of 8



W.P.No.10202 of 2018

Ambattur, Anna Nagar Extn.,
Chennai – 600 101.

WEB COPY

3.The Tahsildar,
Maduravayal,
Chennai.

Copy To:

Principal District and Sessions Judge,
District Munsif Court,
Ambattur.

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.No.10202 of 2018



WEB COPY



W.P.No.10202 of 2018

23.07.2024