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W.P.No.3371 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3371 of 2014 and W.M.P. Nos.11409 of 2021 & 12990 of 2023

1.S.R.Selvaraj (deceased)

2.S.Suresh Kumar

3.S.Ravirathinam

4.S.Rajarathinam

5.Kudiarasu Devi

... Petitioners 2 to 5

(P2 to P5 are recorded as LR's of deceased P1 as
per order dated 02.01.2020 made in W.M.P. No.
35686 of 2019 in W.P. No.3371 of 2014 by TSSJ)

VS

1.The District Revenue Officer,
Kancheepuram,
Kancheepuram District.

2.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

3.The Tashildar,
Sholinganallur,
Kancheepuram District.



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4.Santhanalakshmi Ammal

5.S.Ashokan

6.Jayalakshmi Ganesan

7.S.Veeraraghavan

8.S.Natarajan

9.S.Ganapathy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in Na.Ka.No.3403/2002 N3 dated 31.12.2013 passed by the first respondent and quash the same.

For Petitioners : Ms.H.Mary Sowmi Rexi for
M/s.Isaac Chamber

For R1 to R3 : Mr.R.Baranidharan,
Additional Government Pleader

For R4 to R9 : Mr.S.Thangasivan

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the records in Na.Ka.No.3403/2002 N3 dated 31.12.2013 passed by the first respondent and quash the same.



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2.The learned counsel appearing for the petitioners submitted that the petitioners have purchased a land measuring 1 acre and 50 cents on 15.09.2000 from the fourth respondent and another, who are the vendors of the property. The fourth respondent is the land owner cum patta holder since 1962 and 1965 when patta was issued to her. The fourth respondent purchased the same by a registered Sale Deed dated 17.10.1962 along with other properties from one Gomathy Srinivasan and the fourth respondent was in possession and enjoyment of the property for more than 45 years and UDR patta was also issued to the fourth respondent on 26.04.1994.

3.The learned counsel for the petitioners would further submit that patta was also issued to the petitioners on 29.06.1982. While so, respondents 5 to 9 made a representation to the third respondent/the Tashildar seeking cancellation of patta and the third respondent/the Tashildar cancelled the patta, which was issued in favour of the fourth respondent. Thereafter, the fourth respondent challenged the cancellation of patta before the Revenue Divisional Officer/the second respondent, who by Appeal dated 15.12.2001, has set aside the order of the third respondent/the Tashildar and consequently by order dated 17.12.2001 patta was restored in



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the name of the fourth respondent. Challenging the order of the second respondent, respondents 5 to 9 preferred W.P. No.26002 of 2001 before this Court and also before the first respondent/the District Revenue Officer and have also filed O.S. No.481 of 2001 against the fourth respondent/vendor for permanent injunction and also filed an Interim Application in I.A. No.2115 of 2001, which was dismissed by the District Munsif, Alandur by order dated 21.12.2001 and therefore, respondents 5 to 9 withdrew the suit in O.S. No.481 of 2001, filed by them before the District Munsif, Alandur. While so, the petitioners have filed S.A. No.1458 of 2007 before this Court pursuant to the dismissal of the Appeal Suit in A.S. No.707 of 2006 filed for permanent injunction and they have also filed S.L.P. No.33689 of 2012 before the Hon'ble Apex Court aggrieved by the order passed by this Court in S.A. No.1458 of 2007 and the said S.L.P. was also dismissed. In the meanwhile, the Appeal filed by the respondents 5 to 9 before the first respondent/the District Revenue Officer was allowed. Challenging the same, the petitioners are before this Court.

4.Heard the arguments advanced on either side and perused the materials available on record.



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5. Admittedly, the petitioners have purchased the above land measuring 1 acre and 50 cents of land from the fourth respondent on 15.09.2000. Pursuant to the dismissal of A.S. No.707 of 2006 filed by the petitioners for permanent injunction, they have filed S.A. No.1458 of 2007 before this Court and the said Second Appeal was dismissed. The petitioners have also filed S.L.P. No.33689 of 2012 before the Hon'ble Apex Court aggrieved by the order passed by this Court in S.A. No.1458 of 2007 and the said S.L.P. was also dismissed. In the meanwhile, the Appeal filed by the respondents 5 to 9 before the first respondent/the District Revenue Officer was allowed in favour of the respondents 5 to 9.

6. In view of the above, this Court is not inclined to grant the relief sought for by the petitioners. Liberty is granted to the petitioners to file a fresh petition before the appropriate forum seeking their remedy in the manner known to law. The writ petition is dismissed accordingly. Consequently, connected W.M.Ps are closed. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.

vga

To

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