



WP.No.19080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.19080 of 2024

PR.Veerappan

.. Petitioner

Versus

1. The Revenue Divisional Officer, Central Chennai Division,
Anna Nagar West Extension, Chennai – 600 101.

2. Nagavalli

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the unnumbered interim application filed by the petitioners in Na.Ka.No A1/ 946 / 2024 filed on 06.06.2024 before hearing the appeal Na.Ka.No A1 / 946 /2024 filed by the second respondent in accordance with law.

For Petitioner : Mr.P.L.Narayanan, Senior Counsel
for Mr.Hariharan E

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1

ORDER



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Since no adverse Order has been passed against the second respondent, notice to her is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the first respondent to dispose of the unnumbered interim application filed by the petitioners in Na.Ka.No A1/ 946 / 2024 filed on 06.06.2024 before hearing the appeal Na.Ka.No A1 / 946 /2024 filed by the second respondent in accordance with law.

3. As against the Order of rejecting issuance of patta, an appeal has been filed by the second respondent before the first respondent. In that appeal notice has been served to the petitioner for appearance. At this stage, the Writ Petition came to be filed seeking to dispose the unnumbered application filed by the petitioner before the first respondent.

4. The learned Senior Counsel appearing for the petitioner would submit that the Will relied upon second respondent said to have been executed by one C.T.Chockalingam Chettiar is a fictitious and there is no such person existing and in this regard a report has been filed by CBI as directed by this Court in W.P.No.47616 of 2006 and this Court in the said Writ Petition has held



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that all the documents have been created and there is no person called Chockalingam Chettiar. That apart in C.S.No.710 of 2022, this Court has clearly recorded a finding to the effect that one C.T.C.Nachiappa Chettiar is also a fictitious prson. Therefore, now the second respondent is relying upon the Will said to have been executed by a fictitius person.

5. It is relevant to note that merely because the second respondent has filed an appeal, when there is already a finding with regard to the non existence of the testator, such finding cannot be ignored by the first respondent while passing the Order. It is for the petitioner to produce the report of the Invstigation Officer appointed by this Court in W.P.No.47616 of 2006 before the first rspondent. Let the first respondent consider all the documents and pass Orders on merits within a period of two months from the date of receipt of a copy of this Order.

6. With the above direction, this Writ Petition is disposed of.

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vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,
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The Revenue Divisional Officer, Central Chennai Division,
Anna Nagar West Extension, Chennai – 600 101.



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N. SATHISH KUMAR, J.

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