



Order dated 11.01.2024
in W.P.No.563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.563 of 2024
and
W.M.P.Nos.551 and 552 of 2024

--

1. Dr.A.G.Rajan
2. Mrs.S.Tamil Selvi

.. Petitioners

Vs.

1. The District Revenue Officer,
Chennai Central,
Collectorate of Chennai,
Singaraavelar Maalaigai,
62, Rajaji Salai, Chennai-600 001.
2. The Revenue Divisional Officer,
Chennai Central,
5.73 SH 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai-600 040.
3. The Tahsildar,
Office of the Tahsildar,
Ambattur Taluk,
Thiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai-600 053.

4. Mr.S.Arumugam
5. Mr.D.Elavarasan

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 01.02.2023 passed in Na.Ka.Aa.5/3459/2019 by the respondent No.2 (Central Chennai Revenue Divisional Officer) and quash the same as arbitrary, illegal and unconstitutional and consequently direct the respondent No.1 (District Revenue Officer) to restore the former position in the Revenue Records.

For petitioner : Mr.B.Syed Abdul Wakeel for Mr.M.Srinish

For respondents: Ms.Akila Rajendran, Govt. Advocate for RR-1 to 3

ORDER

The petitioners have filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 01.02.2023 passed in Na.Ka.Aa.5/3459/2019 by the respondent No.2 (Central Chennai Revenue Divisional Officer) and quash the same as arbitrary, illegal and unconstitutional and consequently direct the respondent No.1 (District Revenue Officer) to restore the former position in the Revenue Records.

2. Learned counsel for the petitioners submitted that based on the direction issued by this Court in the connected Writ Petition filed earlier in W.P.No.1658 of 2011 (disposed of on 27.01.2011), and also considering the

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report of the third respondent/Tahsildar Ambattur, dated 12.04.2022 in No.2020/2019 C2, the second respondent/RDO had passed the impugned order dated 01.02.2023. The learned counsel for the petitioner further submitted that the second respondent cannot re-open the already decided issue on his own, leading to passing the impugned order.

3. Learned counsel for the petitioner further submitted that the issue that has to be decided in this Writ petition is pending before the authority under the Tamil Nadu Requisitioning and Acquisition of the Immovable Property Act, 1956. Further, the second respondent had conducted parallel proceedings and this has led to the passing of the impugned order, dated 01.02.2023. Hence, the petitioners have filed the present Writ Petition to quash the impugned order and to direct the first respondent-DRO to restore the former position in the Revenue Records.

4. It is also stated by the learned counsel for the petitioners that based on the direction issued by this Court in the above said Writ Petition as stated above, the Tahsildar conducted inspection and filed report before the second respondent-RDO. Based on the said report, the second respondent-RDO passed the impugned order and gave a finding that the parties concerned have to go



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and produce the relevant documents before the authority concerned for issuance of Patta and if they have not produced any Patta so far, the learned counsel for the petitioners prayed that the official respondents may be directed to produce the concerned documents for title before the third respondent-Tahsildar and obtain the relevant Patta in respect of the property under dispute. Challenging the findings rendered by the second respondent-RDO in the impugned order, the present Writ Petition is filed for the relief stated supra.

5. Heard both sides and perused the materials available on record.

6. It is to be noted that as against the impugned order of the second respondent-RDO, there is provision for filing appeal/revision before the first respondent/District Revenue Officer. The petitioners, without exhausting the appeal/revisional remedy, had approached this Court hastily.

7. Further, it is not the case of the petitioners that they have not been given an opportunity of hearing and that there is violation of the principles of natural justice while the impugned order is passed. The learned counsel for the petitioners also contended that, already civil dispute is pending between the parties in O.S.No.348 of 2013 on the file of District Munsif Court, Ambattur and



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also in O.S.No.267 of 2013 pending before the Subordinate Court, Poonamallee.

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8. The learned counsel for the petitioners also submitted that when the said civil suits are pending before Civil Courts, the second respondent-RDO cannot pass the impugned order dated 01.02.2023.

9. However, the fact remains that there is no interim order either passed by this Court in the connected proceedings or by the Civil Court in the connected suits which are stated to be pending. Thus, so far, the title dispute is not pending as against the petitioners, before any Court of Law. Though the petitioners have referred the civil disputes in the civil suits referred to supra, they are filed for injunction simpliciter, in which, the title dispute cannot be decided.

10. Any how, as against the impugned order dated 01.02.2023 passed by the second respondent-RDO, the petitioner is having alternative remedy of filing revision/appeal before the first respondent-DRO, in which event, the time spent for this Writ Petition shall be excluded for the purpose of limitation and thereafter, the issue shall be decided on merits and in accordance with law, or the petitioners are also at liberty to work out their dispute/remedy before the Civil Court in the pending civil suits mentioned above.

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11. There being no merits, this Writ Petition is accordingly dismissed.

12. W.M.P.No.551 of 2024 in W.P.No.563 of 2024 is ordered on payment of separate Court fee by each of the petitioners herein.

13. Consequently, W.M.P.No.552 of 2024 is closed.

14. There shall be no order as to costs.

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CS

To

1. The District Revenue Officer,
Chennai Central,
Collectorate of Chennai,
Singaraavelar Maalaigai,
62, Rajaji Salai, Chennai-600 001.
2. The Revenue Divisional Officer,
Chennai Central,
5.73 SH 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai-600 040.
3. The Tahsildar, Office of the Tahsildar,
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