



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.26750 and 26758 of 2022
and
W.M.P.Nos.25806 and 25817 of 2022

--

1. M.Aravind Kumar
2. M.Gopinath

.. Petitioners in W.P.No.26750 of 2022

1. N.Madhava Rao
2. M.Aravind Kumar
3. M.Gopinath

.. Petitioners in W.P.No.26758 of 2022

Vs.

1. The District Collector, Chengalpattu District.
2. The District Revenue Officer, Chengalpattu.
3. The Revenue Divisional Officer, Chengalpattu.
4. The Tahsildar, Thiruporur, Chengalpattu District.
5. The District Registrar, Chengalpattu.
6. The Sub-Registrar, Thiruporur.
7. S.Nirmala Devi
8. N.Anusuya Devi
9. Thiru Sambasiva Rao

.. Respondents in W.P.No.26750 of 2022

1. The District Collector, Chengalpattu District.

Page No.1/8



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

2. The District Revenue Officer, Chengalpattu.
3. The Revenue Divisional Officer, Chengalpattu.
4. The Tahsildar, Thiruporur, Chengalpattu District.
5. The Deputy Tahsildar, Thiruporur, Chengalpattu District.
6. The Village Administrative Officer,
Muttukadu, Chengalpattu District.
7. Mrs.S.Nirmala Devi
8. Mrs.Anusuya Devi.N .. Respondents in W.P.No.26758 of 2022

Writ Petition No.26750 of 2022 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent made in Na.Ka.No.14335/2021/Aa4, dated 06.09.2022 as well as order of the third respondent made in Na.Ka.No.1423/2021/Aa3, dated 18.10.2021 and quash the same and pass suitable orders directing the respondents 2 to 4 herein to restore patta in respect of the property measuring about Acre 2.43 cent in S.No.240 and S.No.241/1 in Kazhipatur Village, Thiruporur Taluk, Chengalpet District in favour of the petitioners.

Writ Petition No.26758 of 2022 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 fourth respondent made in impugned order in Se.No.351/2022/Aa2, dated 21.09.2022 and quash the same as illegal and consequently directing the fourth respondent to restore patta in the petitioner's name in respect of property measuring about Acre 1.21 cents in S.No.107/2 in Muttukadu Village, Thiruporur Taluk, Chengalpet District.



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

WEB COPY

For petitioners in both Writ Petitions : Mr.T.N.Rajagopalan

For respondents in W.P.No.26750 of 2022:

Mr.A.Selvendran, Spl.G.P. for RR-1 to 6

Mr.Sirish Chowdhary for M/s.T.M.Naidu & Co. for R-7

Mr.Bhagavath Krishnan & Mr.Guru Dhananjay for RR.8 &

9

For respondents in W.P.No.26758 of 2022:

Mr.A.Selvendran, Spl.G.P. for RR-1 to 6

Mr.Sirish Chowdhary for M/s.T.M.Naidu & Co. for R-7

Mr.Bhagavath Krishnan & Mr.Guru Dhananjay for RR-8

COMMON ORDER

Writ Petition No.26750 of 2022 has been filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent made in Na.Ka.No.14335/2021/Aa4, dated 06.09.2022 as well as order of the third respondent made in Na.Ka.No.1423/2021/Aa3, dated 18.10.2021 and quash the same and pass suitable orders directing the respondents 2 to 4 herein to restore patta in respect of the property measuring about Acre 2.43 cents in S.No.240 and S.No.241/1 in

Page No.3/8



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

WEB COPY

Kazhipatur Village, Thiruporur Taluk, Chengalpet District in favour of the petitioners.

2. Writ Petition No.26758 of 2022 has been filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent made in impugned order in Se.No.351/2022/Aa2, dated 21.09.2022 and quash the same as illegal and consequently direct the fourth respondent to restore patta in the petitioner's name in respect of property measuring about Acre 1.21 cents in S.No.107/2 in Muttukadu Village, Thiruporur Taluk, Chengalpet District.

3. The petitioners have challenged the orders quoted above on the ground that no notice was given and no opportunity of hearing was afforded before passing the impugned orders, and the same is in violation of principles of natural justice. Further, even the appellate authority, without considering the facts, and without affording any opportunity, and while changing the mutation of the Revenue Records in respect of the parties, did not put the petitioners on notice and that no opportunity was given and only after affording opportunity of hearing, they have to pass orders on merits and in accordance with law.

4. Learned Special Government Pleader appearing for the official respondents submitted that already the petitioners have been given notice to necessary parties and opportunity of hearing was also afforded, but however, even the petitioners have also filed suit for partition and obtained interim



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

injunction.
WEB COPY

5. Learned counsel for the seventh and eighth respondents submitted that there are several proceedings and in all the proceedings, it was admitted about the Will and also the issuance/change of Patta. Therefore, all the parties are aware of the above facts. Further, they have got appellate remedy as against the impugned orders. For violation of principles of natural justice, they need not invoke Article 226 of the Constitution of India and they can agitate their issue before the concerned appellate authority. Here, admittedly, the properties originally were owned by the Government and subsequently, they were owned by the ancestors of the petitioners and the private respondents. There is change of joint Patta and subsequently, they never knew all the Revenue proceedings and further, they have also filed the suit for partition. Though they have filed the suit for partition, they have not challenged any other document like the Will or also the liability of the parties. In a partition suit, it would be decided as to whether all the parties are legal heirs of the original owner and also with regard to their entitlements. If necessary, in the suit for partition, preliminary decree will be passed and it will give quietus to the issue, but when the matter is pending and that all the parties are agitating the issue before the Civil Court, it is for the Civil Court to grant necessary relief and it will only serve the purpose of the petitioners and private respondents.

Page No.5/8



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

WEB COPY

6. Therefore, at this juncture, the opportunity was given to all the parties before passing the order by the Tahsildar and if at all they are aggrieved, they can file appeal before the Revenue Divisional Officer.

7. Since Civil Suit is pending and that pendency of the Civil Suit, will not be a bar to invoke the change of Patta, but however, if any right, title and interest of the parties are involved, normally, the Revenue Authorities will not interfere with the same and it will be open for the parties to approach the Civil Court and if any suit is pending, the authorities will await the outcome of the Civil Suit and after the outcome of the Civil Suit, they will proceed with the proceedings under the Tamil Nadu Patta Passbook Act.

8. Before this Court, admittedly, all the branches of the original owner are parties and admittedly, the partition suit is pending and the parties are at liberty to work out their remedy in the Civil Suit that is pending.

9. With the above observations, both the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

09.02.2024

CS

To

1. The District Collector, Chengalpattu District.

Page No.6/8



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

2. The District Revenue Officer, Chengalpattu.
3. The Revenue Divisional Officer, Chengalpattu.
4. The Tahsildar, Thiruporur, Chengalpattu District.
5. The District Registrar, Chengalpattu.
6. The Sub-Registrar, Thiruporur.
7. The Deputy Tahsildar, Thiruporur, Chengalpattu District.
8. The Village Administrative Officer, Muttukadu, Chengalpattu District.



WEB COPY



Common Order dated 09.02.2024 in
W.P.Nos.26750 and 26758 of 2022

P. VELMURUGAN, J

CS

W.P.Nos.26750 and 26758 of 2022

09.02.2024

Page No.8/8