



W.P.No.35173 of 2023
order dated 30.01.2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.01.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35173 of 2023

--

S.Ashok Kumar

.. Petitioner

Vs.

1. The Commissioner of Survey and Settlement,
Chepauk,
Chennai-600 005.
2. The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.
3. The Tahsildar,
Ponneri Taluk,
Tiruvallur District.
4. T.N.Palani
5. Smt.M.Shanthi
6. C.Thiyagarajan
7. P.Sankar
8. T.N.Moorthy
9. K.Munusamy

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10. M.Savithri

11. J.Malini

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to conduct the enquiry and pass suitable orders pertaining to the entering the name of fourth respondent wrongly in the UDR Patta No10 for S.No.21/2 of an extent of 23 cents, 39/2 of an extent of 83 cents, S.No.62/5 of an extent of 54 cents, S.No.63/2 of an extent of 55 cents and S.No.209/1 of an extent of 28 cents, situated at Guduvancherry Village, Ponneri Taluk, Thiruvallur District.

For petitioner : Mr.P.Chandrasekar

For respondents: Mrs.V.Yamunadevi, Spl.G.P. for RR-1 to 3

Mr.E.Prabu for RR-4, 5 and 7 to 9

RR-6 and 10 - died

R-11 - notice - Tapal sent returned with endorsement

"no such door number"

ORDER

This Writ Petition is filed praying for issuance of a Writ of Mandamus to direct the second respondent to conduct the enquiry and pass suitable

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orders pertaining to entering the name of fourth respondent wrongly in the UDR Patta No.10 for S.No.21/2 of an extent of 23 cents, 39/2 of an extent of 83 cents, S.No.62/5 of an extent of 54 cents, S.No.63/2 of an extent of 55 cents and S.No.209/1 of an extent of 28 cents, situated at Guduvancherry Village, Ponneri Taluk, Thiruvallur District.

2. The learned counsel for the respondents submitted that already, the petitioner had approached the Revenue Authorities/official respondents and they have lost before them and twice they had approached them and lost in their case and therefore, the present Writ Petition is the third round of litigation. It is also submitted that a civil suit in OS.No.149 of 2012 on the file of the District Munsif Court, Ponneri, is pending.

3. The learned counsel for the petitioner submitted that the property in question already belonged to the father of the petitioner and taking advantage of the similarity in the name, the respondents, with the connivance of the officials, managed to get the Patta registered in their name and taking advantage of the same, the official respondents are creating



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encumbrance over the properties in question.

4. Since already the petitioner along with others, had approached the Civil Court by filing the suit as noted above, the petitioner is at liberty to work out his remedies before the Civil Court in the pending Civil Suit noted above and whatever the order is passed by the Revenue Authorities, the same will not bind the Civil Court. Hence, the petitioner is also directed to work out his remedy before the Civil Court.

5. At this juncture, it is stated by the learned counsel for the petitioner that the defendant witness had filed proof affidavit as D.W.1 one year back and so far, the petitioner has not cross-examined him. Therefore, D.W.1 is directed to appear before the Court below on 05.02.2024 and the petitioner is directed to cross-examine D.W.1 on 05.02.2024 itself, since the suit is pending for more than ten years. Thereafter, on the defendant's side, the defendant is directed to produce evidence if any on 08.02.2024 and file a copy of the proof affidavit and serve a copy of the same to the writ petitioner well in advance and the petitioner herein is also directed to cross-examine



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D.W.2, if any on the day on which the proof affidavit will be filed on 08.02.2024. However, the defendant(s) is/are directed to complete their evidence on or before 16.02.2024 and as and when proof affidavit is filed by the defendant(s), the writ petitioner herein is directed to cross-examine the defendant(s) on the very same day. However, the Court below is directed to complete the trial in O.S.No.149 of 2012 on or before 29.02.2024 and dispose of the suit on or before 15.03.2024 on merits and in accordance with law, and file the compliance report before this Court on or before 20.03.2024.

6. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

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Office to note: Issue this order copy by 01.02.2024

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To

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