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W.P. Nos.24816 of 2017 and 12400 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.24816 of 2017 and 12400 of 2018
and

W.M.P. No.26213 of 2017 and 14540 of 2018

Minor Anbu

.... Petitioner in
both W.P.s

Versus

1. The District Collector,
Villupuram Collectorate,
Villupuram District.

2. The Revenue Divisional Officer,
Thirukovilur Taluk,
Villupuram District.

3. The Tahsildar,
Ulundurpettai Taluk,
Villupuram District.

4. Velu

5. Selvam

6. Ranganathan

7. Rajendiran

8. Panneer Selvam

9. Pazhanivel

10. Kannan

11. Kasinathan

12. Paramasivam

.... Respondents
in

W.P. No.24816 of 2017



W.P. Nos.24816 of 2017 and 12400 of 2018

1. The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
Anna Salai,
Chennai – 600 002.

2. The Assistant Engineer,
Tamil Nadu Electricity Board O & M,
Ulundurpettai Taluk,
Villupuram District.

3. The Junior Engineer,
Tamil Nadu Electricity Board O & M (Town),
Ulundurpettai Taluk,
Villupuram District.

4. The District Collector,
Collectorate Villupuram,
Villupuram District.

.... Respondents
in

W.P. No.12400 of 2018

Prayer in W.P. No.24816 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records pertaining to the impugned order issued by the 1st respondent herein in his proceeding No.Se.Mu.Order.A8/12214/17, dated 10.8.2017 and to quash the same as illegal.

Prayer in W.P. No.12400 of 2018 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records pertaining to the impugned order issued by the 3rd respondent in his proceeding Lr. No.EMEPO/EePa/Na/U.Po./Aa/Ko.PoKar/Aa No.086/2018, dated 30.04.2018 and to quash the same as illegal.

For Petitioner in both W.P.s

: Mr.G. Ranganathan

For Respondents in W.P.

No.24816 of 2017

: Mr.U. Baranidharan,
Addl. Govt. Pleader for R1 to R3
RR4 to 11 – No appearance
R12 – Tapal returned with
endorsement as deceased



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For Respondents in W.P.
No.12400 of 2018

: Mr.Daniel Mary
Standing Counsel for R1 to R3
Mr.U. Baranidharan
Addl. Govt. Pleader for R4

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COMMON ORDER

Since the issue involved in both these writ petitions are one and the same, they are disposed of by a common order.

2. It is stated that the petitioner is the absolute owner of the Property to an extent of 4 Acres 53 Cents comprised in Survey No.97/2022 to 97/34 in Poo Mambakkam Village, Ulundurpettai Taluk, Villupuram District and the same was registered on the file of SRO, Ulundurpettai for a valid consideration. Subsequent to the purchase of the aforesaid property, the authorities verified the documents of the revenue records and thereafter issued patta in the name of the petitioner. While so, based on a false allegation made by the private respondents, the 1st respondent issued an enquiry notice, calling upon the petitioner to appear before him with regard to revocation of patta standing in the name of the petitioner. It is the grievance of the petitioner that the private respondents made misrepresentation in the above issue and their intention was to trespass and seize the aforesaid property. Immediately, he filed a suit for



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declaration and permanent injunction before the Principal District Munsif

Court, Thirukovilur in O.S. No.286 of 2016 and the same was pending. In

such circumstances, the impugned order, dated 10.08.2017 was passed by

the 1st respondent in W.P. No.24816 of 2017, cancelling the patta standing

in the name of the petitioner. Challenging the same, W.P. No.24816 of

2017 has been filed to quash the impugned order dated 10.08.2017.

Pendency of the said writ petition, the 3rd respondent in W.P. No.12400 of

2018 has passed the impugned order, dated 30.04.2018, whereby electricity

connection was disconnected in the petitioner's property. Aggrieved by

the same, W.P. No. 12400 of 2018 has been filed.

3. Learned counsel for the petitioner submitted that the petitioner was in possession and enjoyment of the property and on payment of valid sale consideration, the petitioner had purchased the property. But, the private respondents has made a complaint with a malafide intention to grab the said property have given a complaint. Further, he submitted that the 1st respondent / District Collector neither conducted an enquiry nor afforded an opportunity of hearing to the petitioner has passed the impugned order, dated 10.08.2017, thereby cancelled the patta issued in the name of the petitioner which is illegal and unsustainable. Consequent to which, the 3rd



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respondent /Junior Engineer has passed the impugned order, dated 30.04.2018, disconnected the electricity connection in the aforesaid property, which is highly impermissible. Hence, he seeks for quashment of the aforesaid order, dated 10.08.2017 passed by the 1st respondent in W.P. No.24816 of 2017 as well as, order dated 30.04.2018 passed by the 3rd respondent in W.P. No.12400 of 2018 and thus, he prays for allowing of these writ petitions.

4. Replying to the contention made by the learned counsel for the petitioner, Mr.U. Baranidharan, learned Additional Government Pleader appearing for the official respondents submitted that only after conducting proper investigation, the orders, which are the subject matter of these writ petitions have been issued by the respective respondents. Aggrieved over the cancellation of patta in the name of the petitioner, the petitioner has filed a suit, which is pending on the file of the Principal District Munsif Court, Thirukovilur in O.S. No.286 of 2016. He further submitted that instead of seeking his remedy before the Civil Court, the petitioner has approached this Court by way of filing these writ petitions and on that score, he prays for mere dismissal of these writ petitions.



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5. Heard learned counsel on either side and perused the entire papers placed on record before this Court.

6. It is not in dispute that initially patta was granted in favour of the petitioner. It is an admitted position that subsequent to issuance of patta in the name of the petitioner, the same was cancelled by the 1st respondent in W.P. No.24816 of 2017. One cannot claim title over the property, based on a patta. Further, it is not in dispute that the petitioner has filed a suit seeking for declaration and permanent injunction before the Principal District Munsif Court, Thirukovilur in O.S. No.286 of 2016 and the same was pending. It is clear that during the pendency of the suit before the Civil Court, these writ petitions have been filed, which cannot be agitated by this Court under Article 226 of the Constitution of India as the dispute is civil in nature. Therefore, the petitioner has to approach the competent Civil Court and accordingly, these writ petitions are not maintainable.

7. However, this Court directs the petitioner to approach the Civil Court viz., Principal Munsif Court, Thirukovilur in O.S. No.286 of 2016 to agitate the issue with regard to the claim of title in his name over the said property and get it resolved at the earliest.



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8. With the aforesaid directions, these writ petitions are disposed of.

It is left open to the petitioner to work out his remedy before the Civil Court as indicated herein above. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2024

Index : Yes / No

Internet: Yes/No

Speaking Order/Non-Speaking Order
vsi2

To

1. The District Collector,
Villupuram Collectorate,
Villupuram District.

2. The Revenue Divisional Officer,
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Villupuram District.

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M.DHANDAPANI, J.

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