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W.P.No.33284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33284 of 2024

and

W.M.P.Nos.36080 to 36082 of 2024

Ramalingam

... Petitioner

Vs.

1.The District Collector
Thiruvallur District.

2.The Revenue Divisional Officer
Thiruvallur, Thiruvallur District.

3.The Tahsildar
Thiruvallur Taluk, Thiruvallur District.

4.Vasantha

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records of the 2nd respondent dated 04.09.2024 in her proceedings bearing Na.Ka.No.2441 / 2022 /A7 and of the proceeding of the 3rd respondent dated 22.10.2024 bearing Na.Ka.No.5119 / 2024/B2 and to quash the same and pass such further or other orders as this Hon'ble Court may deem fit and proper.

For Petitioner : M/s.G.Ilamurugu

For Respondents : M/s.A.Selvendran, Spl. GP.
for R.1 to R3

ORDER



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Challenging the proceedings of the 2nd respondent dated 04.09.2024 in Na.Ka.No.2441/2022/A7 and the proceedings of the 3rd respondent dated 22.10.2024 in Na.Ka.No.5119/2024/E2, the petitioner is before this Court seeking to issue a Writ of Certiorari to quash the above proceedings.

2. Shorts facts are as follows:-

3. The 4th respondent had made an application on 01.07.2021 before respondents 1 to 3 claiming to be an absolute owner to an extent of 7 cents comprised in S.No.8/8B of Puliur Village, Tiruvallur Taluk and District and to consequently cancel the patta standing in the name of the petitioner contending that the petitioner had created a forged document bearing No.12057/2020 dated 08.12.2020. Based on this representation, the 2nd respondent had conducted an enquiry on various dates and the petitioner and the 4th respondent had appeared before the 2nd respondent as well as his predecessors and the said enquiry was concluded on 21.08.2024. During the enquiry, it was also brought to the notice of the revenue authority that a suit for declaration of title and injunction is pending before the Sub Court, Tiruvallur in O.S.No.138/2021, which has been filed by the petitioner herein and his son R.Lakshmanan against the



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4th respondent and her husband S.Damodaran. Despite pointing out the pendency of the suit, the 2nd respondent had cancelled the patta, on the ground that the revenue officials were not made a party to the civil litigation. The petitioner would submit that the impugned order was never served on his address but was served on his deceased father's address. Therefore, the petitioner is before this Court.

4. Heard the counsels on either side.

5. The application that has been presented before the 2nd respondent was to cancel the patta standing in the name of the petitioner. The petitioner and his son have filed the suit O.S.No.138 of 2021, on the file of the Sub Court, Tiruvallur for a declaration and injunction in respect of the very same property and the parties are contesting the same. These facts have also been brought to the notice of the 2nd respondent. Under the provisions of the Tamil Nadu Patta Passbook Act, when there is a serious dispute with reference to the title of the property, the revenue authority shall refer the parties to the Civil Court. In the present case, though the factum of the pendency of the civil suit for declaration of title has been brought to the notice of the 2nd respondent, the 2nd respondent has chosen to ignore the same and has directed cancellation of the patta standing in the



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name of the petitioner. Therefore, the order in question cannot be sustained.

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6. Accordingly, the Writ Petition is allowed and the impugned orders are set aside. Respondents 1 to 3 are directed to restore the patta to the earlier state. The parties shall await the result of the suit O.S.No.138 of 2021. It is also brought to the notice of the Court that after the cancellation of patta, the 3rd respondent has now issued a notice dated 22.10.2024 stating that he proposes to conduct a survey of the subject property. Therefore, the Revenue Authorities are directed to restrain from conducting any survey in respect of the subject property till the disposal of the aforesaid suit and in case a survey has to be conducted, they shall obtain appropriate orders from the Civil Court, namely, the Sub Court, Tiruvallur. No costs. Consequently, the connected Miscellaneous Petitions are closed.

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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