



W.P.No.591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.591 of 2024
and
W.M.P.No.576 of 2024

C.Balakrishnaiah

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District.
2. The District Revenue Officer,
Office of the Collectorate,
Thiruvallur District.
3. The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.
4. The Tahsildar,
Pallipattu,
Thiruvallur District.
5. D.Krishnapillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



W.P.No.591 of 2024

India, to issue a Writ of Certiorarified Mandamus, to call for the records related to the impuged order passed by the second respondent herein in his proceedings in Na.Ka.No.824549/2023/A1 dated 12.09.2023 and to quash the same and consequently to direct the respondents 2 to 4 herein to change the patta in the name of the petitioner, with regard to the property situated at Survey No.132/5, Venkatrajakuppam Village, Pallipattu Taluk, Thiruvallur District, measuring Hectre 0.76.0 in Acre 1.88 cents.

For Petitioner : Mr.J.Prakasam

For R1 to R4 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned order passed by the second respondent herein in his proceedings in Na.Ka.No.824549/2023/A1 dated 12.09.2023 and to quash the same and consequently to direct the respondents 2 to 4 herein to change the patta in the name of the petitioner, with regard to the property situated at Survey No.132/5, Venkatrajakuppam Village, Pallipattu Taluk, Thiruvallur District, measuring Hectre 0.76.0 in Acre 1.88 cents.

2. Heard the learned counsel appearing for the petitioner and the



W.P.No.591 of 2024

learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is passed against the private respondent, notice to the private respondent/R5 is dispensed with.

4. The petitioner has filed another writ petition in W.P.No.15861 of 2022 before this Court to direct the second and third respondents therein to change patta in the name of the petitioner. This Court also directed the respondents 2 and 3 therein/respondents 3 and 4 herein, vide order dated 24.06.2022, to consider the petitioner's representation and pass the order. Thereafter, the first respondent has passed the impugned order stating that in W.P.262 of 2018, this Court has given directions and given liberty to the applicants to approach the Civil Court and also directed the Authorities to keep the revenue proceedings in abeyance till such time the civil disputes reach finality between the parties.



W.P.No.591 of 2024

WEB COPY

5. The learned counsel for the petitioner submitted that the Civil suit is pending. Though in application in I.A.No.1 of 2023 the delay was condoned and subsequently restoration petitions are filed and the same are pending. O.S.No.61 of 2018 has not been disposed by the Competent Court. The petitioner, instead of approaching the Civil Court to proceed the suit as early as possible, has filed the application once again, before the respondents. Therefore the respondents, quoting the earlier writ petition, passed the impugned order. Since the civil suit is pending, it is for the petitioner to work out his remedy in the pending civil suit. Thereafter, he can approach the respondents after the decisions of the Civil Court.

6. Therefore, this Court does not find any perversity or illegality in the impugned order passed by the second respondent. The second respondent has passed the impugned order based only on the order passed by this Court in W.P.262 of 2018. Under the facts and circumstances, the Writ Petition is dismissed. However, the petitioner is at liberty to workout his remedy before the competent Civil Court in the



W.P.No.591 of 2024

pending suit in O.S.No.61 of 2018. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

14.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District Collector,
Thiruvallur District.
2. The District Revenue Officer,
Office of the Collectorate,
Thiruvallur District.
3. The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.
4. The Tahsildar,
Pallipattu,
Thiruvallur District.



WEB COPY



W.P.No.591 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.591 of 2024
and
W.M.P.No.576 of 2024

14.02.2024