



W.A.No.538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

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K.Rani

.. Appellant

Vs

1.The Executive Magistrate/Thasildar,
Ayanavaram,
Chennai-600 023.

2.Muthulakshmi
3.Mallika
4.Punitha
5.Arasu Prakash

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent to set aside the order dated 9.6.2023 passed in W.P.No.17141 of 2023 by the learned Single Judge.

For the Appellant

: Mr.M.Silambarasan
for Mr.C.Selvaraj



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For the Respondents : Mr.T.K.Saravanan
Government Advocate
for respondent No.1

JUDGMENT
(Delivered by *the Hon'ble Chief Justice*)

We have heard Mr.M.Silambarasan, learned counsel appearing on behalf of Mr.C.Selvaraj, learned counsel for the appellant; and, Mr.T.K.Saravanan, learned Government Advocate for the first respondent.

2. The appellant has filed a writ petition, bearing W.P.No.17141 of 2023, seeking directions to dispose of the complaint filed by the appellant. The writ petition was dismissed. Aggrieved thereby, the present appeal.

3. Learned counsel for the appellant submits that, on the basis of false evidence, the private respondents have secured patta in their names. The patta could not have been issued in their names. Suits are filed by the appellant and also the private respondents and



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the same are pending. The settlement deed executed in favour of the private respondents by the husband of the appellant on 8.6.1976 is cancelled on 29.1.1992. The will is executed on 11.7.2002, thereby allotting "A" to "F" schedule mentioned properties in favour of the appellant.

4. Admittedly, TOS.No.15 of 2006 filed by the fourth respondent and T.O.S.No.34 of 2019 filed by the appellant are pending before this court. The genuineness of the will, on the basis of which both the parties claim their right, is subject matter of consideration in the said suits. The issuance of patta would depend upon the judgment delivered by the civil court in the suits.

5. It is also trite that patta is not a document of title.

6. All further enquiries can be proceeded with upon the judgment and order that would be passed by the civil court in T.O.S.Nos.15 of 2006 and 34 of 2019. It is for the appellant to get the said proceedings decided expeditiously.



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7. The learned Single Judge has also observed about the further steps to be undertaken pursuant to the order of the civil court.

8. At this juncture, based on the copy of the proceedings furnished by learned Government Advocate across the bar, learned counsel for the appellant submits that the complaint of the appellant is disposed of by the respondent authorities and, as such, the writ appeal has become infructuous.

In view of the above, the writ appeal is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi
To
The Executive Magistrate/Thasildar,
Ayanavaram,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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