



W.P.No.1670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1670 of 2024

and

W.M.P.Nos.1710 & 1712 of 2024

K.Soundarajan

... Petitioner

Vs.

- 1 The District Collector, Chennai,
Office of the District Collector,
Singaravelar Maaligai,
2nd Line Beach,
Chennai-600 001.
- 2 The Revenue Divisional Officer,
Chennai Central, Gandhi Nagar,
Anna Nagar West Extension,
Chennai-600 040.
- 3 The Tahsildhar,
Egmore Nungambakkam Taluk,
Office of the Tahsildhar,
Chennai-600 003.
- 4 The District Collector, Tirunelveli
(Court of Wards of Sivagiri Zamin)
Collectorate Tirunelveli, Tirunelveli.



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5 M/s.Dwaraka Doss Goverdhan Doss Vaishnav College,
Dewan Bahadur M.O. Parthasarathy Iyengars Charities,
No.20, 4th Lane, Thousand Lights West,
Thousand Lights,
Chennai-600 034.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the 1st respondent bearing No. Na. Ka. No. J3 / 4371 / 2021 dated 18.11.2023 and quash the same and direct the respondents 1 to 3 to restore the name of the petitioner's grandfather Senthatti Kalai Pandia Chinnathambiar and 5 others as Pattadars with respect to Survey No.51/2 Nungambakkam Revenue Village, Egmore Taluk, Chennai District.

For Petitioner : Mr.Sharukumar .S.I

For R1 to R4 : Mr.T.Arun Kumar
Additional Government Pleader

For R5 : Mr.K.Shakespeare



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the 1st respondent bearing number Na. Ka. No. J3 / 4371 / 2021 dated 18.11.2023 and quash the same and direct the respondents 1 to 3 to restore the name of the petitioners grandfather Senthatti Kalai Pandia Chinnathambiar and 5 others as pattadars with respect to Survey No.51/2 Nungambakkam Revenue Village, Egmore Taluk, Chennai District.

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

3. Learned counsel for the petitioner submitted that the suit property belongs to his ancestors and the land records also stand in the name of their ancestors. Based on that, patta has also been issued. Since there is a mistake in the Patta, the petitioner filed the application. The second respondent passed the order. However since there is a cloud in the title,



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opportunity has given to the petitioner to workout their remedy before the Civil Court. Challenging the same, he filed the appeal before the first respondent. Though the first respondent has also accepted all these things, however, he is directed already to go the Civil Court. He has changed the Patta from their ancestors' name of the petitioner to the private respondents. Though the petitioner has given representation that the legal heirs of the ancestors have to be given the patta, but without considering the same, the impugned order has been passed, which is under challenge.

4. Learned Counsel for the Fifth respondent submitted that already similar prayer made in W.P.No.35176 of 2023, had been dismissed on 19.02.2024.

5. The Learned Additional Government Pleader submitted that since there is a cloud in the title, since the civil suit is also pending and yet to be decided, and the first respondent has been given an opportunity of hearing, till that, prior to change the Patta, the Patta has to be continued and prayed that there is no merit in the writ petition.



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6. Admittedly there is a civil dispute between the parties and pending before the competent court. Therefore under the facts and circumstances, right, title and interest of the property can be decided by the Competent Court alone and not by the Revenue Authorities. The order passed by the authority officials regarding Patta will not bind the civil Court to decide the right, title and interest of the property based on title. The petitioner would not be prejudiced by the order passed by the first respondent. Since the civil suit is pending, the petitioner is directed to work out his remedy where the civil proceedings are pending.

7. With the abovesaid directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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