



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3724 of 2025

S.Gopalakrishnan

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.

2.The Sub Collector,
Thiruvallur Collectorate,
Thiruvallur District.

3.The Tahsildar,
Head Quarters of Deputy Tahsildar,
Avadi Taluk, Thiruvallur District.

4.Mr.N.Rajasekar

5.Mrs.V.Jayashree

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining ot the order passed by the 1st respondent in Na.Ka.No.3597/2024/N1 dated



16.08.2024 and quash the same consequently to direct the 3rd respondent to implement the order passed by the 2nd respondent in Na.Ka.No.4799-2022-Aa5 dated 31.01.2023.

For Petitioner : Ms.J.Vanathi

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceeding of the 1st respondent dated 16.08.2024 and for a consequential direction to the 3rd respondent to implement the order passed by the 2nd respondent through proceedings dated 31.01.2023.

2.Heard Ms.J.Vanathi, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3.The petitioner is claiming to be the absolute owner of the subject property.
The further case of the petitioner is that he filed a suit in O.S.No.165 of 2021



before the Principal District Judge, Thiruvallur seeking for the relief of partition and for declaration that sixteen Sale Deeds that were executed by one Gangadharan is non est and null and void and to allot 1/16th share in the suit property. Pursuant to the filing of the suit, the petitioner made an application seeking for cancellation of the pattas that were issued with respect to the subject property and to issue patta in the name of the legal heirs of Lata.Ponnammal. The 1st respondent directed the 3rd respondent to submit a report and thereby, a report was submitted to the effect that the property has been subdivided into 50 plots and it is named as J.R.Enclave. Pursuant to the same, the 2nd respondent through proceedings dated 31.01.2023 issued an order directing the 3rd respondent to cancel all the pattas that have been issued during the pendency of the suit and to issue fresh patta based on the outcome of the suit.

4Aggrieved by the above order, the 4th and 5th respondents filed a review petition before the 1st respondent. The 1st respondent through the impugned proceedings dated 16.08.2024 interfered with the order passed by the 2nd respondent on the ground that no opportunity was given to the persons in whose name the patta stands and therefore, the order passed without opportunity was set



aside and a direction was issued to consider the grant of patta based on the final result in the suit. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the 1st respondent has assigned proper reasons while interfering with the order passed by the 2nd respondent. The 2nd respondent has straight away canceled the patta without issuing notice to the persons in whose name the patta stood. Hence, the order of the 2nd respondent had civil consequences. Therefore, the 1st respondent came to a conclusion that such order passed by the 2nd respondent is in violation of principles of natural justice. Accordingly, the 1st respondent by exercising his power, interfered with the order passed by the 2nd respondent and further directed that the transfer of patta or issuance of patta will depend upon the final result in the suit that is pending in O.S.No.165 of 2021. This order does not suffer from any illegality, warranting the interference of this Court.

6. It is made clear that the claim made by the rival parties will be subject to the result in the suit and till the completion of the civil proceedings, no



applications will be entertained from either side and the parties will agitate their rights only in the pending suit. The orders passed by the revenue authorities also will not have any bearing in the pending suit.

7. In the result, this writ petition stands dismissed in the above terms. No Costs.

10.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

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