

W.P.No.20763 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20763 of 2024

and

W.M.P.Nos.22706, 22708 & 32258 of 2024

K.Thilagaraj

.. Petitioner

Vs.

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The District Revenue Officer,
Chengalpattu,
Chengalpattu District.

3.The Revenue Divisional Officer,
Tambaram,
Chengalpattu District.

4.The Sub Registrar,
Guduvancherry,
Chengalpattu District.

5.Devi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the records



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on the file of the 2nd respondent in Na.Ka.No.1999/2024/A5, dated 15.06.2024 and quash the same and consequently restore the orders of the 3rd respondent in Mu.Mu.No.1283/2023/A, dated 17.10.2023.

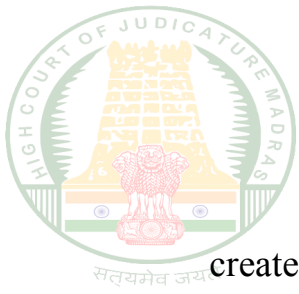
For Petitioner : Mr.S.Kaithamalai Kumaran
For RR 1 to 4 : Mr.M.R.Gokulkrishnan
Additional Government Pleader
For R5 : No appearance

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 15.06.2024 and for a consequential direction to restore the patta in the name of the petitioner.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4.

3.The specific case of the petitioner is that the subject property in Survey No.183/3 measuring to an extent of 97 ½ cents is owned by the petitioner. The patta was also issued to the petitioner's ancestors in Patta No.5 and after the UDR scheme, now the patta was issued in Patta No.127 in the name of the petitioner. While so, some of the persons



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created fraudulent documents and ultimately, the property was sold in favour of the 5th respondent. Based on the same, the 5th respondent submitted an application for patta and the patta was also issued in favour of the 5th respondent. Aggrieved by the same, the petitioner approached the 3rd respondent for cancellation of patta, which was given in favour of the 5th respondent. The 3rd respondent after conducting an enquiry, passed an order dated 17.10.2023 and canceled the patta issued in favour of the 5th respondent.

4.The 5th respondent filed an appeal before the 2nd respondent and an enquiry was conducted by the 2nd respondent. The 2nd respondent set aside the order passed by the 3rd respondent on the ground that there is already a suit pending in O.S.No.1 of 2024 filed by the petitioner challenging the documents that were executed pertaining to subject property and therefore, the parties were directed to workout the remedy before the Civil Court. That being so, the patta was restored in the name of the 5th respondent. Aggrieved by the same, the present writ petition has been filed before this Court.



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5. In the considered view of this Court, the petitioner has already filed a suit which is pending in O.S.No.1 of 2024 before the Principal District Judge, Chengalpattu. In this suit, the 5th respondent and others including the official respondents have been added as defendants and the petitioner has sought for the relief of declaration to declare the settlement deed dated 12.01.2016, power of attorney deed dated 13.11.2017, sale deed dated 11.01.2019 and settlement deed dated 11.01.2019 as null and void and for a permanent injunction. This suit is pending. In view of the same, the right and title over the property will have to be adjudicated only before the Civil Court and the 2nd respondent cannot parallelly deal with the same. Therefore, the 2nd respondent has rightly disposed of the appeal through proceedings dated 15.06.2024. While so, the original position was restored whereby the patta was restored in the name of the 5th respondent. Till the sale deed that was executed in favour of the 5th respondent is cancelled or declared null and void by the competent Civil Court, the patta has to be issued based on the said sale deed.



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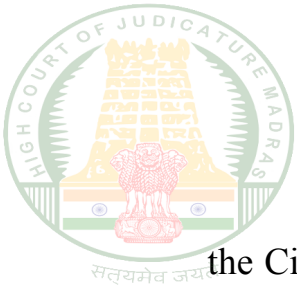
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6.In the light of the above discussion, this Court does not find any ground to interfere with the order passed by the 2nd respondent dated 15.06.2024.

7.The learned counsel for the petitioner submitted that repeated encumbrance is being created in the subject property and third party rights are created and therefore requested this Court to restrain any further alienation of the property.

8.In the considered view of this Court, if at all any alienation takes place to the prejudice of the petitioner, it is left open to the petitioner to move an appropriate application in the pending suit and seek for an interim order. The writ jurisdiction cannot be invoked for the sake of getting an interim relief when the suit is pending before the Civil Court. Except giving this clarity, no further orders can be passed in this writ petition.

9.It is made clear that both sides can raise all the grounds before



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the Civil Court and the same will be considered on its own merits and in accordance with law and the suit will be disposed of as expeditiously as possible.

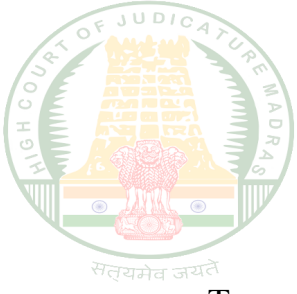
10.In the result, this Writ Petition is disposed of in the above terms. Consequently, the connected miscellaneous petitions are closed.
No costs.

27.03.2025

(½)

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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Chengalpattu District,
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N.ANAND VENKATESH, J.

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