

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

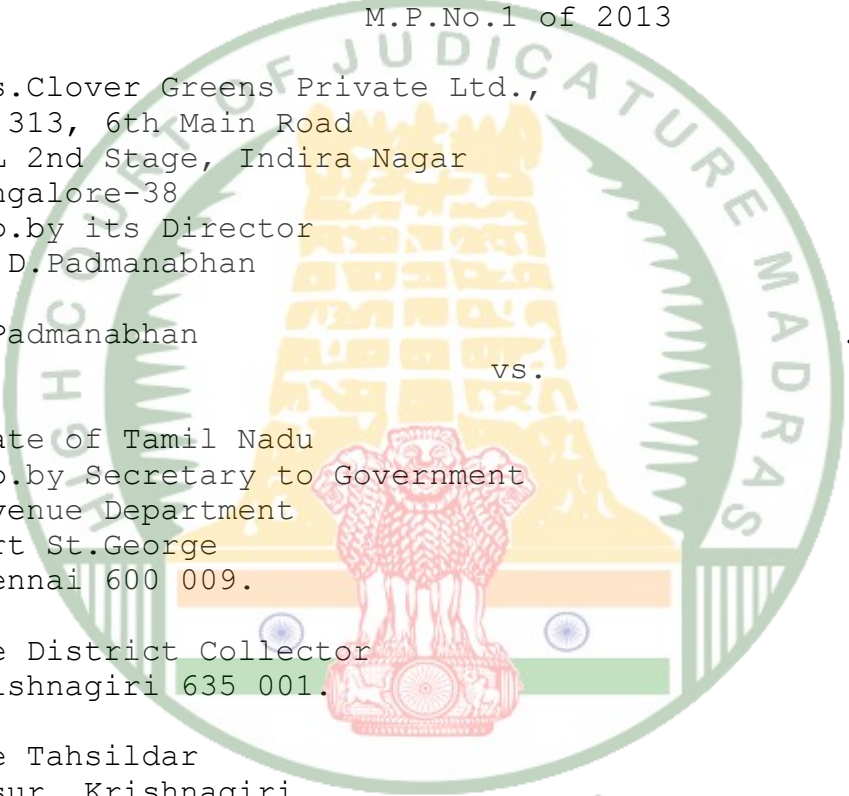
WP.No.23140 of 2012

and

M.P.Nos.2 and 3 of 2012

and

M.P.No.1 of 2013

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1. M/s.Clover Greens Private Ltd.,
No.313, 6th Main Road
HAL 2nd Stage, Indira Nagar
Bangalore-38
rep.by its Director
Mr.D.Padmanabhan
2. D.Padmanabhan .. Petitioners
- vs.
1. State of Tamil Nadu
rep.by Secretary to Government
Revenue Department
Fort St.George
Chennai 600 009.
2. The District Collector
Krishnagiri 635 001.
3. The Tahsildar
Hosur, Krishnagiri.
4. The Assistant Settlement Officer
(South), Office of the Commissioner
of Survey and Settlement
Chepauk, Chennai 600 005.
5. C.K.Ramasamy
6. C.P.Ravindra
7. N.Munireddy
8. Radhammal .. Respondents
- सत्यमेव जयते
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Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the third respondent in proceedings

bearing Na.Ka.No.7103/2012/C2 dated 15.06.2012 to quash the same and to direct the respondents 1 to 4 to dispose of the petitioner's representation issued in the form of lawyer notice dated 16.03.2011.

For Petitioner : Mr.Niranjan Rajagopalan for
M/s.G.R.Associates

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
for RR1 to 4
Mr.V.Raghavachari for R5
Mr.M.Ravi for R6
Mr.R.Bharat Kumar for R7
Mr.M.Devanathan for R8

ORDER

Heard Mr.Niranjan Rajagopalan, learned counsel appearing for the petitioners, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of respondents 1 to 4, Mr.V.Raghavachari, learned counsel for R5, Mr.M.Ravi, learned counsel for R6, Mr.R.Bharat Kumar, learned counsel for R6 and Mr.M.Devanathan, learned counsel for R8.

2. With the consent of all the parties, the main writ petition itself is taken up for final disposal.

3. The petitioners have challenged the order passed by the third respondent dated 15.06.2012, granting patta in favour of the fifth respondent. The only ground on which the impugned order has been challenged is that the property in question is marked in the 'A' register as Annadeenam land and there is no jurisdiction for the authorities to grant patta in favour of the fifth respondent. The petitioner would further submit that they have developed the said property as Green field and are using it as golf turf. They would further state that they came into possession of the said property based on certain arrangements entered into between them with the third parties. Admittedly, those third parties have no right or title over the property in question and at best could they could be treated as trespassers of the property or encroachers. When such is the situation, then it has to be necessarily held that the petitioners have no locus standi to question the impugned proceedings dated 15.06.2012. The kist receipts in the name of the first petitioner is of little avail and that cannot be converted into a document of title or improve the case of the petitioner in any manner.

4. It is not in dispute that the fifth respondent has filed a suit in O.S.No.24 of 2009 on the file of the Principal District

Judge, Krishnagiri and the suit was one for declaration of title and permanent injunction. The suit was decreed in favour of the fifth respondent by judgment and decree dated 09.06.2010.

5. In the counter affidavit filed by the official respondents it is vaguely stated that appeal has been preferred before this Court as against the said judgment and decree. However, the appeal number or the stage of the appeal has not been furnished by them in the counter affidavit. The fifth respondent applied for grant of patta in his name pursuant to the order passed by the Civil Court. Since his representation was not considered, the fifth respondent moved this Court by way of writ petition in W.P.No.1701 of 2012 and this Court disposed of the writ petition by order dated 08.03.2012 to consider the application of the fifth respondent for grant of patta. Pursuant thereto, the third respondent has passed the impugned proceedings.

6. Learned Special Government Pleader appearing on behalf of the official respondents, submitted that the suit itself is not maintainable and if the fifth respondent was aggrieved by the order passed by the fourth respondent, there is a time frame, within which the same should have been challenged before the Tribunal.

7. The correctness of the impugned order has not been challenged by the fourth respondent nor the revenue officials have taken any steps to annul the impugned order dated 15.06.2012. The challenge in this writ petition is by the petitioners who themselves are encroachers of the property. Therefore, this Court is of the firm view that the petitioners have no locus standi to challenge the same.

8. Accordingly, on that ground alone this writ petition shall stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

vj2

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To

1. The Secretary to Government
of Tamil Nadu
Revenue Department
Fort St.George
Chennai 600 009.

2. The District Collector
Krishnagiri 635 001.

3. The Tahsildar
Hosur, Krishnagiri.

4. The Assistant Settlement Officer
(South), Office of the Commissioner
of Survey and Settlement
Chepauk, Chennai 600 005.

1 cc to Mr.V. Raghavachari, Advocate, sr. 9666

1 cc to M/s. G.R. Associates, Sr. 10376

1 cc to Mr.M. Ravi, Advocate, sr. 9799

1 cc to Government Pleader, sr. 9975

1 cc to Mr.R. Bharathkumar, Advocate, sr. 9702

WP.No.23140 of 2012

MSM (CO)
kk 11/3

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