

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.7797, 8793, 8923 & 30889 of 2017 and
WMP.Nos.9645 & 9646/2017, 9844/2017, 8538 & 8539/2017 and
33813/2017

W.P.Nos.7797, 8793, 8923 of 2017

1.Ravikumar ..Petitioner in WP.No.7797/2017
2.K.Suvendran ..Petitioner in WP.No.8793/2017
3.S.Sivappa ..Petitioner in WP.No.8923/2017

vs

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.The Tahsildar,
Shoolagiri Taluk Office,
Shoolagiri Taluk,
Krishnagiri District.

5.Govindappa

6.Muralimohan

7.Gurappa @ Kullappa

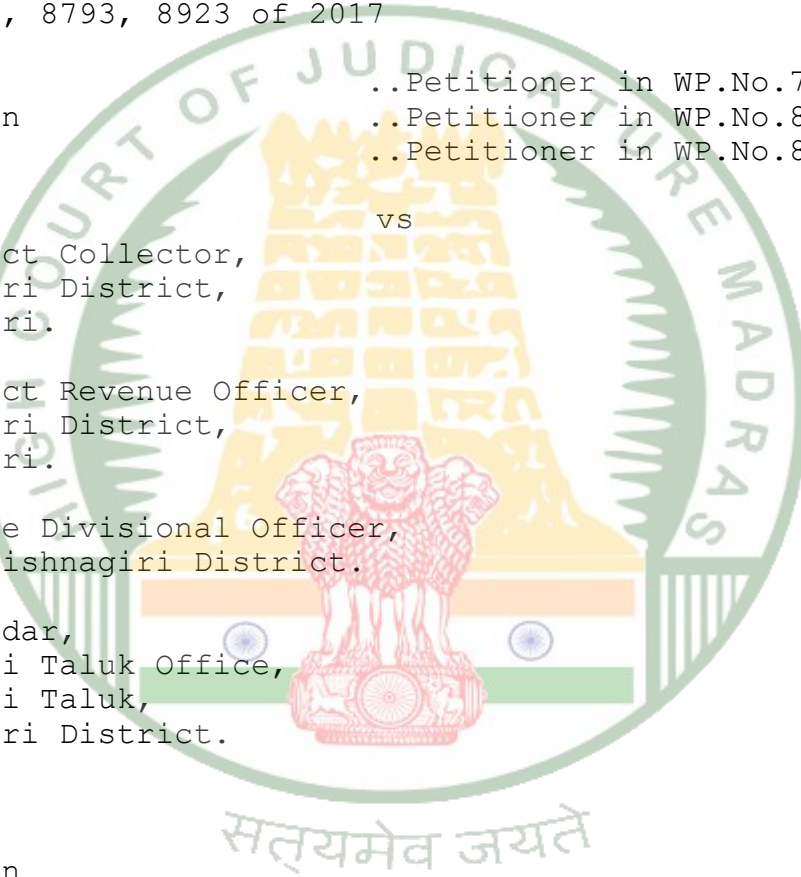
8.Dhanamma

9.Guramma

10.Kamalamma

11.Gowramma

.. Respondents in WP.Nos.7797,
8793, 8923 of 2017



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Common Prayer in WP.Nos.7797, 8793, 8923 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in respect of the order dated 30.11.2016 in Pa.Mu.Na:31822/2013/J2 issued by the 2nd respondent and quash the same and consequently direct the respondents 1 to 4 to issue patta to the petitioners.

For Petitioners : Mr.D.Rajagopal

For Respondents : Mrs.A.Shrijayanthy,
Special Government Pleader for R1 to R4

Mr.R.Bharathkumar for R5 to R11

WP.No.30889 of 2017

N.Shekar Reddy ...Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

2.The Tahsildar,
Shoolagiri Taluk,
Shoolagiri, Krishnagiri District.

3.Gurrappa alias Kullappa

4.Govindappa

5.Kamalamma

6.Guramma

7.Dhanamma

8.Gowramma

9.Muralimohan

10.Usha

11.Narayanappa

....Respondents

Prayer in WP.No.30889 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the District Revenue Officer, Krishnagiri in

Pa.Mu.No.31822/2013/J2 dated 30.11.2016 and quash the said order so far as it relates to new sub divided S.No.70/5 Medidhepalli Village, Shoolagiri Taluk, Krishnagiri District and consequently direct the respondents 1 and 2 to restore the Patta in favour of the petitioner in respect of the land an extent of 8.10.0 hectares (20 acres) in new subdivided S.No.70/5, Medidhepalli Village, Shoolagiri Taluk, Krishnagiri District.

For Petitioners : Mr.N.E.A.Dinesh

For Respondents : Mrs.A.Shrijayanthi,
Special Government Pleader for R1 & R2

Mr.R.Bharathkumar for R3 to R10

No appearance for R11

COMMON ORDER

All these batch of writ petitions were filed challenging the common order passed by the District Revenue Officer in proceedings dated 30.11.2016.

2. The respective parties to the present writ petitions on hand raised the disputes in relation to their title, ownership and possession in respect of the property described in the writ petitions.

3. This Court is of an prima facie opinion that such complex facts and circumstances arising on account of title and ownership, can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. In this regard, the respective parties shall approach the competent Civil Court of law to establish their title, ownership or possession and thereafter approach the revenue officials for grant of Patta, cancellation of patta or effecting alteration or modification in the revenue records as per the Tamil Nadu Patta Passbook Act, 1983.

4. Section 3 of the Patta Passbook Act enumerates that the Patta can be granted to an owner. Thus, in the event of no dispute in respect of ownership, then alone, the revenue officials are competent to grant patta. In the event of any dispute, regarding title or ownership, the revenue officials are incompetent to adjudicate such factual disputes and issue patta passbook or cancel the patta. Thus, it is made clear that the revenue officials are incompetent to adjudicate the title and ownership in respect of the immovable properties described in the present writ petitions. The respective parties are raising

the disputes in relation to the title and ownership of immovable properties. In yet another case, it is raised that competent authorities have conducted enquiry without even issuing notice to the authorities. In some other case, it is represented that the revenue officials have adjudicated the title and ownership in the patta passbook proceedings. Thus, it is made clear that, on hearing of the respective learned counsel appearing on behalf of the parties that the petitioner and the contesting respondents are claiming title, ownership and possession in respect of the properties described in these writ petitions.

5. When such being the factum of the case, this Court is of an opinion that it is preferable that the respective parties shall approach the competent civil Court of law for adjudication of their title, ownership and possession. As observed earlier, the revenue officials are incompetent to adjudicate the title or ownership. Various procedural lapses committed by the revenue officials also deserves no consideration at this point of time, in view of the fact that basic dispute now raised is in relation to title, ownership and possession. Thus, all the procedural lapses committed by the revenue officials deserve no consideration at this juncture.

6. The learned Special Government Pleader appearing for the official respondents in this regard made a submission that the portion of the land belongs to the Government. If the submissions in this regards is correct, then the competent authorities are duty bound to evict the encroachers from the Government lands.

7. In view of the complex nature of the facts and circumstances, this Court is of an opinion that all the revenue proceedings including the impugned order passed by the District Revenue Officer in proceedings dated 30.11.2016 are kept in abeyance till the conclusion of the disputes in relation to the title, ownership and possession. Thus, it is left open to the respective parties concerned to approach the competent Civil Court of law for adjudication of their title, ownership and possession in the manner known to law and by submitting documents and by adducing evidences. After conclusion of the civil disputes, then the respective parties are at liberty to file a fresh application before the competent authorities under the provisions of Patta Passbook Act for grant of patta, cancellation of patta or for modification or alteration in the revenue records. In the event of submitting any such application, after conclusion of the civil disputes, the revenue officials are empowered to entertain the same and adjudicate by following the procedures as contemplated under the Act and pass orders on merits and in accordance with law.

8. The District Collector, Krishnagiri District, is directed to identify the Government poromboke lands, water bodies and other lands belong to the Government and if there is any encroachments on Government lands, or water bodies, then

immediate actions are to be initiated under the provisions of Tamil Nadu Land Encroachments Act, 1905, for eviction of all such encroachers from the Government lands.

9. Accordingly, all the writ petitions stand disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
- 3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.
- 4.The Tahsildar,
Shoolagiri Taluk Office,
Shoolagiri Taluk,
Krishnagiri District.

+3cc to Mr.D.Rajagopal, Advocate, S.R.No. 62568 to 62570
+1cc to Mr.R.Bharatha Kumar, Advocate, S.R.No. 63179
+1cc to Mr.V.Nicholas, Advocate, S.R.No. 63118
+1cc to the Government Pleader, S.R.No. 63446

W.P.Nos.7797,
8793, 8923 & 30889 of 2017

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GN(25/09/2018)