

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2014

CORAM

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

W.P.No.9808 of 2018

&

W.P.M.P.Nos.11734 & 11735 of 2018

1. P.Murali Krishnan
2. P.Hari Krishnan
3. P.Venugopal

.. Petitioners

Vs.

1. The Secretary to Government,  
Revenue Department,  
Fort St.George, Chennai - 600 009.
2. The Additional Chief Secretary and Commissioner  
for Land Administration,  
Land Administration,  
Ezhilagam, Chepauk,  
Chennai - 600 005.
3. The Commissioner,  
HR & CE Department,  
Uthamar Gandhi Road,  
Nungambakkam,  
Chennai - 600 034.
4. The District Collector,  
Kancheepuram District,  
Thaiyar Kullam,  
Kancheepuram - 631 501.
5. The District Revenue Officer,  
O/o. Collectorate of Kancheepuram,  
Thaiyar Kullam, Kancheepuram - 631 501.
6. The Sub Collector,  
Madurantakam, Kancheepuram District.
7. The Tahsildar,  
GST Road, Madurantakam,  
Kancheepuram - 603 306.

8. The Assistant Commissioner,  
HR & CE, Kancheepuram.

9. Sri Kodanda Rama Swami Temple,  
No.12, Nelli Main Road,  
Palli Agaram, Madurantakam Taluk,  
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 5<sup>th</sup> respondent by proceeding in Na.Ka.28419/2014/N1 dated 11.07.2017 and quash the same and consequently, direct the 5<sup>th</sup> respondent to rectify the UDR patta and issue patta in the name of the petitioners with respect to the lands comprised in S.F.No.18/1, 18/2 & 21 to an extent of 21.73 acres situated at Palliagaram Village, Madurantakam Taluk, Kancheepuram District.

For Petitioners :Mr.Saravana Sowmiyan

For Respondents-1,2 & 4 to 7 :Mrs.A.Srijayanthi  
Special Government Pleader

For Respondent - 3 & 8 :Mr.M.Maharaja  
Special Government Pleader  
(HR & CE)

For Respondent - 9 : No Appearance

O R D E R

The order of rejection issued by the District Revenue Officer, Kancheepuram in respect of the claim of the writ petitioners for cancellation of patta granted in favour of the 9<sup>th</sup> respondent Temple in proceeding dated 11.07.2017 is under challenge in this writ petition and consequential direction to direct the 5<sup>th</sup> respondent to rectify the UDR patta and issue patta in the name of the petitioners with respect of the lands comprised in S.F.Nos.18/1, 18/2 and 21 to an extent of 21.73 acres situated at Palliagaram Village, Madurantakam Taluk, Kancheepuram district.

2.The learned counsel for the petitioners states that he is the owner of the lands described in the present writ petition. The father of the writ petitioners inherited the properties from one Mr.Rangabashyam Naidu and subsequently, the writ petitioners had inherited the same from their forefather. At the outset the petitioners claimed that they are the absolute owners of the

properties described in the present writ petition on hand.

3.The grievances of the writ petitioners are that an erroneous entry has been made in the revenue records stating that the 9<sup>th</sup> respondent Temple, Sri Kodanda Rama Swami Temple is the owner of the property. In order to alter the revenue records, the petitioners submitted an application before the competent authorities and the claim of the writ petitioner was rejected by the competent authorities. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned Special Government Pleader appearing on behalf of the Respondents 1 to 7 opposed the contention by stating that the properties in question stands in the name of the 9<sup>th</sup> respondent Temple and therefore, the writ petitioners are not the owners of the property. This apart, the 9<sup>th</sup> respondent Temple owns vast extent of land comprising more than 25.35 acres in Palliagaram Village and in respect of the revenue records, the name of the Temple has been entered. Thus, the 9<sup>th</sup> respondent Temple is the owner of the property and the writ petitioner has no locu standi to claim any alteration or otherwise in respect of the revenue records, maintained by the authorities.

5.The learned Special Government Pleader appearing on behalf the 9<sup>th</sup> respondent Temple also states that the property in question belongs to the Temple and the Temple owns vast extent of lands in that Village. The authorities are also maintaining all such lands properly and there is no encroachment or otherwise in respect of such lands belongs to the 9<sup>th</sup> respondent Temple.

6.This Court is of an opinion that if at all the petitioners claim any title, ownership or possession in respect of the properties in question, it is left available to them to approach the competent civil court of law for establishing his title, ownership or possession. Section 3 of the Act states that Patta can be issued to an "owner". Thus, only in the event of establishing ownership, the person on application, is entitled to get patta. In the event of any dispute in respect of title or ownership, the revenue officials are incompetent to adjudicate the same and grant patta or cancel the patta or effect alteration or modification in revenue records. In all such circumstances, the revenue officials are bound to direct the parties concerned to approach the Civil Court and settle the issue and thereafter, they are at liberty to consider the application for grant of patta or cancellation of patta.

7.In the present case on hand as per the revenue records, the 9<sup>th</sup> respondent Temple is the owner of the property. However, the petitioners claim that they are the owners of the

properties. Under such circumstances, the revenue officials are incompetent to adjudicate the same and they are bound to direct the parties concerned to approach the Civil Court and settle the issue. Hence, there is no infirmity in respect of the impugned orders passed. This being the factum of the case, the writ petition is dismissed as devoid of merits. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mayya/bkn

To

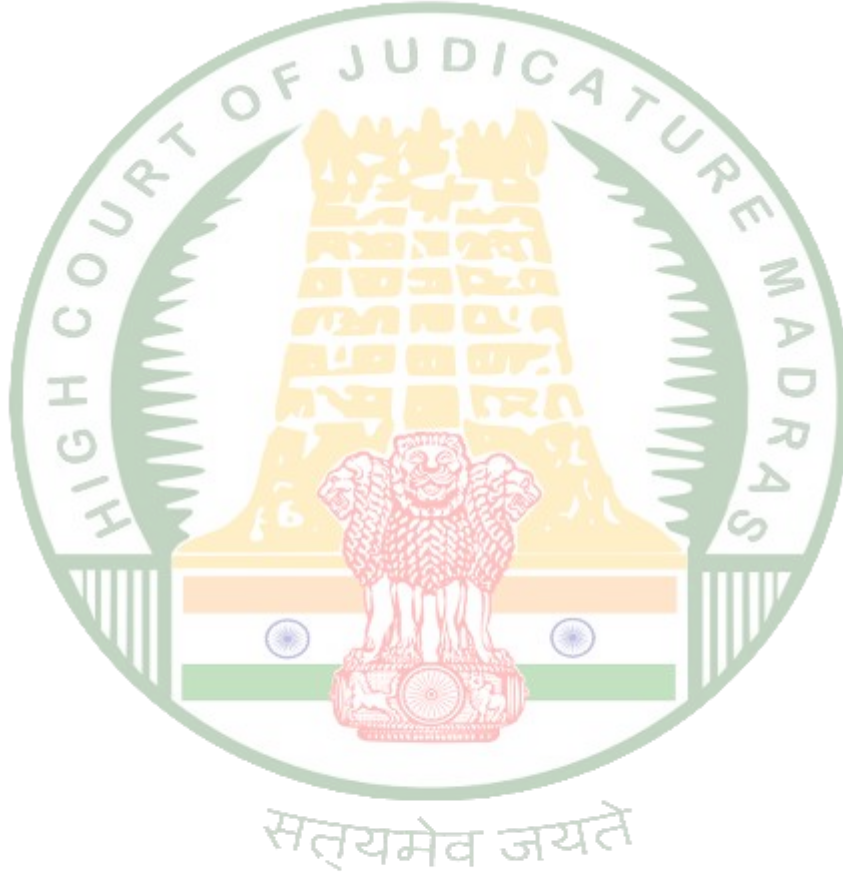
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Kancheepuram - 603 306.

8. The Assistant Commissioner,  
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+1cc to Mr.Saravana Sowmiyan, Advocate, S.R.No.66368  
+1cc to the Government Pleader, S.R.No.66306  
+1cc to the Special Government Pleader, (HR & CE) sr.66727

WP.NO.9808 of 2018

GJ(CO)  
CS/29/10/2018



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