

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.No.25239 of 2017

and WMP.Nos.26682 & 32629 of 2017

1.A.R.Murugesan
2.S.Suyambudurai
3.M.Ramamurthi

...Petitioners

Vs.

1.The District Collector - Kancheepuram District
Collectorate,
Kancheepuram - 631 501

2.The District Revenue Officer - Kancheepuram District,
Collectorate,
Kancheepuram - 631 501

3.The Tahsildar - Thiruporur Taluk,
Chengalpattu Road, Tiruporur,
Kanchipuram - 603 110

4.The Tahsildar - Chengalpattu Taluk,
No.301, Old Court Compound,
Taluk Office Street,
Chengalpattu - 603 001

5.Jeeva

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the altered FMB sketch in Survey No.9 of Ponmar Village, Thiruporur Taluk, Kancheepuram District is null and void and declaring that the original FMB sketch dated 07.02.1992 in Survey No.9 of Ponmar Village, of the then Chengalpattu Taluk (now in Thiruporur Taluk), of the then Chengalpattu District (now Kancheepuram District) as the proper and correct FMB sketch.

(Prayer amended as per order dated 12.10.2017 made in WMP.No.27552 of 2017 in WP.No.25239/2017.

For Petitioners : Mr.P.Palaniyandy
For R1 to R4 : Mrs.A.Srijayanthi,
Special Government Pleader
For R5 : Mr.S.Ramesh

O R D E R

The relief sought for in this writ petition is for a direction to declare that the altered FMB sketch in Survey No.9 of Ponmar Village, Thiruporur Taluk, Kancheepuram District is null and void and declare that the original FMB sketch dated 07.02.1992 in Survey No.9 of Ponmar Village, of the then Chengalpattu Taluk (now in Thiruporur Taluk), of the then Chengalpattu District (now Kancheepuram District) as the proper and correct FMB sketch.

2. The learned counsel for the writ petitioners states that the F.M.B. sketch dated 07.02.1992 was declared as a valid one. Subsequently, the FMB sketch in which the date is not clearly mentioned has to be followed. The said FMB sketch is enclosed in page 115 of the typed set of papers filed along with this writ petition.

3. On perusal of the said documents, this Court is of an opinion that there are similar sketch, but the date of issuance also has not been available in the said document. However, the original copy or certified copy of the said FMB sketch which is included in page 115 has not been filed along with this writ petition. Therefore, this Court is unable to verify the authenticity of the said document. Such xerox copy of the document filed more specifically, the Revenue records cannot be trusted upon for the purpose of ascertaining ownership and the title of the persons concerned.

4. This court is of an opinion that the writ petitioners if at all the owners of the property have to establish their rights in the manner known to law and before the competent forum. The petitioners state that they are the owners of the land in Survey No.9 of Ponmar Village, of the then Chengalpattu Taluk (now in Thiruporur Taluk), of the then Chengalpattu District (now Kancheepuram District). If so and if there is any interference by any other person, it is for the petitioners to seek redressal of their grievances before the competent Civil Court. In other words, title declaration has to be adjudicated before the competent Civil Court and the writ petitioners cannot adjudicate these aspects in writ proceedings under Article 226 of the Constitution of India. The grievances of the petitioners is that, the fifth respondent is interfering with the possession of the writ petitioners in respect of the property in question. If so, the writ petitioners have to seek proper remedy. Another grievance set

out in the writ petition is that the official respondents are also not properly acting in accordance with law and they are tampering with the revenue records. Even in such cases, it is for the writ petitioner to prefer appropriate complaint before the competent authorities and the same can be considered in accordance with law and under the procedures contemplated under the law. Contrarily, by filing a writ petition, the petitioners cannot plead that they are the owners of the property on the basis that the F.M.B. of the year 1992 is to be confirmed. It is not for this Court either to confirm the 1992 F.M.B. or the subsequent F.M.B.'s. It is for the authorities to verify the records and declare, which one is correct and which one is wrong.

5. In this view of the matter, it is left open to the writ petitioners to approach the competent Civil Court for the redressal of their grievances and in the writ proceedings, this Court cannot decide which document is a valid document in the absence of any other materials available on record.

6. In this view of the matter, the writ petitioners have not established any legal right so as to consider the relief as such sought for in this writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

lok

To

1. The District Collector - Kancheepuram District
Collectorate,
Kancheepuram - 631 501

2. The District Revenue Officer - Kancheepuram District,
Collectorate,
Kancheepuram - 631 501

3. The Tahsildar - Thiruporur Taluk,
Chengalpattu Road, Tiruporur,
Kanchipuram - 603 110

4.The Tahsildar - Chengalpattu Taluk,
No.301, Old Court Compound,
Taluk Office Street,
Chengalpattu - 603 001

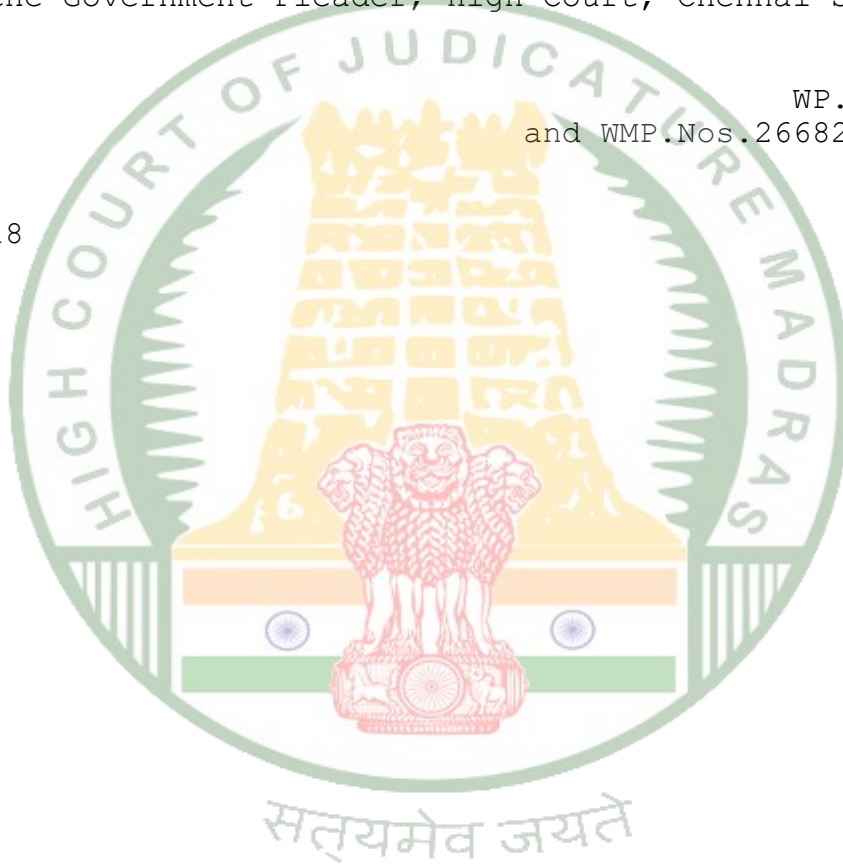
+1 cc to Mr.S.Ramesh, Advocate SR.NO. 30294

+1 cc to Mr.P.Palaniyandi, Advocate SR.NO. 30417

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 31222

WP.No.25239 of 2017
and WMP.Nos.26682 & 32629 of 2017

SG(CO)
JK 16/05/18



WEB COPY