

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2018

CORAM

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

W.P.No.24212 of 2013

and

M.P.No.1 of 2013

Jeyalakshmi

.. Petitioner

vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Kancheepuram.

4.Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent in his proceedings in Na.Ka.No.6295/2012/No.3 dated 25.04.2013 and quash the same.

For Petitioner : Mr.K.M.Balaji

For Respondents : M/s.A.Sri Jayanthi
1 to 3 Special government Pleader

For Respondent 4 : No Appearance

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O R D E R

The relief sought for in this writ petition is to quash the order passed by the first respondent in proceedings dated 25.04.2013, cancelling the Patta granted in favour of the writ petitioner during the year 1995.

2. The grievance of the writ petitioner is that the Patta granted in her favour in the year 1995 by the Tahsildar is

cancelled, pursuant to the appeal filed by the fourth respondent seeking cancelling of Patta. The petitioner claims that she is in possession and enjoyment of the property in Old Survey No.51/1A New Survey No.947/2 measuring to an extent of 0.03 cents, Sevilmedu Village, Kancheepuram Taluk & District.

3. Pursuant to the possession and enjoyment of the property, the petitioner has filed an application for grant of Patta and the same was granted in the year 1995. However, the fourth respondent preferred an appeal before the District collector and the District Collector without even conducting a proper enquiry, has cancelled the Patta granted in favour of the writ petitioner.

4. This Court is of an opinion that the writ petitioner has not stated that she is the owner of the property. It is a Government Natham land. Therefore, it is for the District Collector to decide the rights by verifying the available revenue records. If at all, the writ petitioner is entitled for any civil relevant rights, it is left open to the petitioner to approach the appropriate Civil Court of law for redressal of her grievances. However, this Court cannot adjudicate the rights of the parties in respect of title, ownership or possession. The ownership or possession are to be adjudicated by the respective parties only before the Competent Civil Court of law.

5. In this view of the matter, the writ petitioner is at liberty to adjudicate the matter before the Competent Civil Court and it is left open to the fourth respondent to defend the case in accordance with law. However, the Patta proceedings initiated by all the revenue officials including grant of Patta and cancellation of Patta can be re-adjudicated, if the parties advert to approach the Civil Court of law.

6. With these observations the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

nmm/stm

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

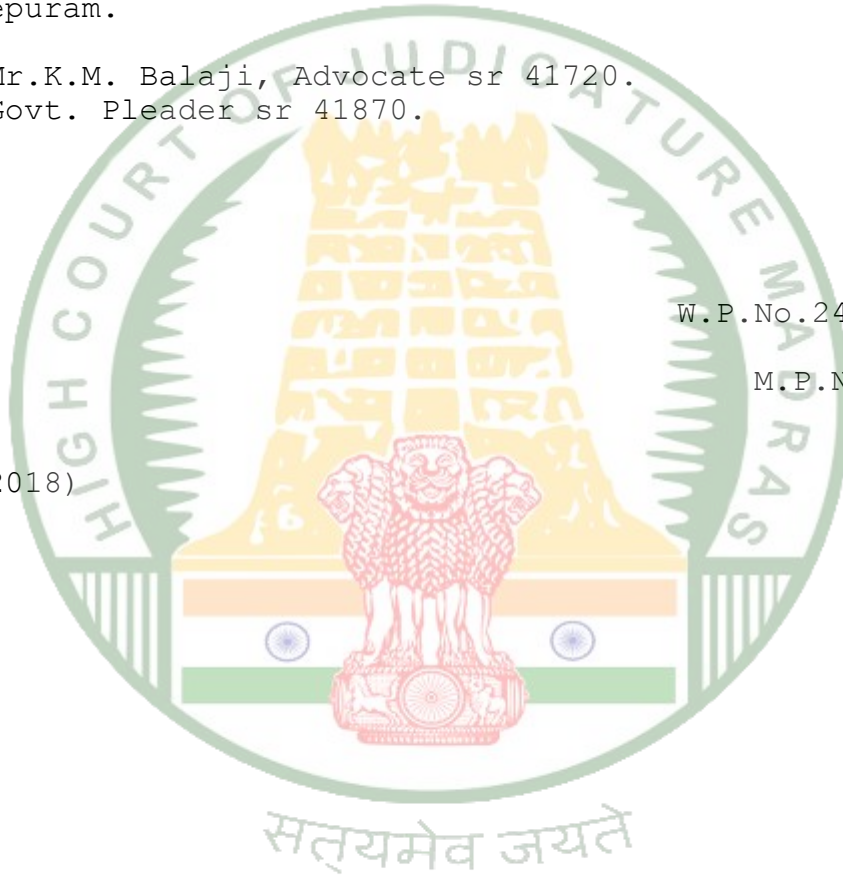
3.The Tahsildar,
Kancheepuram.

+1 CC to Mr.K.M. Balaji, Advocate sr 41720.

+1 CC to Govt. Pleader sr 41870.

W.P.No.24212 of 2013
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SP(17/07/2018)



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