

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.18148 of 2009

G.Usha Rani

... Petitioner

Vs

1. The District Collector,
Kancheepuram District.
2. The Revenue Divisional Officer,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.
3. The District Revenue Officer,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.
4. The Tahsildar,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.
5. S.Gopalakrishnan Respondents

(R-5 impleaded as per order dated 09.03.2011
in M.P.No.1 of 2011 in W.P.No.18148 of 2009)

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 17.08.2009 for issue of patta in favour of the petitioner to the property in S.No.310A, Door No.5, Saraswathypuram, 2nd Street, Chrompet, Thiruneermalai Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Ms.M.Lalitha
Government Advocate for R1 to R4

Mr.R.Ganesh Babu for R5

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 17.08.2009 for issuance of patta in respect of the property in Survey No.310A at Door No.5, Saraswathypuram, 2nd Street, Chrompet, Thiruneermalai Village, Tambaram Taluk, Kancheepuram District.

2. The case of the petitioner is that the land measuring an extent of 0.02.0 hectares out of total extent of 0.07.5 hectares in S.No.310A has been classified as 'Grama Natham' and the land has been in possession and enjoyment of the petitioner's husband for more than 20 years. After his demise, the petitioner became the absolute owner of the property and her representation to the respondents for issuance of patta was not considered.

3. The above Writ Petition was filed without impleading the fifth respondent, viz., Gopalakrishnan and the Writ Petition was disposed of by this Court on 08.09.2009, directing the fourth respondent to consider the representation of the petitioner. Subsequently, an application in M.P.No.1 of 2011 in W.P.No.18148 of 2009 was filed by the said Gopalakrishnan to implead him as a fifth respondent and the same was allowed on 09.03.2011.

4. The case of the fifth respondent is that the writ petitioner's husband Gunasekaran was the tenant under his vendor, viz., P.L.N.Natarajan Chettiar and the land was leased out to the said Gunasekaran by a registered lease deed, dated 05.06.1986. Since the lessee defaulted in payment of the rent, the lessor- P.L.N.Natarajan Chettiar filed O.S.No.34 of 1989 for ejectment and mesne profits before the Sub Court, Poonamallee. The suit was decreed after contest and the appeal preferred by the lessee in A.S.No.1311 of 1990, came to be dismissed by this Court. The Special Leave Petition filed against the judgment passed in A.S.No.1311 of 1990 was also dismissed and the lessor had taken possession in E.P.No.121 of 2006. It is the further case of the fifth respondent that the lease deed covers the property in dispute.

5. Heard Mr.T.K.S.Gandhi, learned counsel for the petitioner; Ms.M.Lalitha, learned Government Advocate for the respondents 1 to 4; Mr.R.Ganesh Babu, learned counsel for the fifth respondent and perused the materials placed on record.

6. In the case on hand, the petitioner would claim right over the property in dispute on the basis that her husband was in possession of the property for more than 20 years and it has been classified as 'Grama Natham'. The fifth respondent has categorically stated in his affidavit that the land was

originally owned by P.L.N.Natarajan Chettiar and he purchased the property through a registered sale deed, dated 14.05.2007 and the same registered as Document No.251/2007, SRO, Pammal. It is pertinent to note that the suit instituted for recovery of possession ended in favour of the fifth respondent's vendor and he had taken possession through legal process. There is a rival claim over the property in dispute.

7. It is settled law that the Revenue Authorities have no right to decide the title of the parties and if any dispute arises over immovable property, the parties shall be relegated to the Competent Civil Court, to establish their title.

8. Keeping in view the above facts, in my considered opinion, the petitioner is not entitled for the relief sought for in this Writ Petition. In that view of the matter, this Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

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To

Sub Assistant Registrar

1. The District Collector,
Kancheepuram District.
2. The Revenue Divisional Officer,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.
3. The District Revenue Officer,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.
4. The Tahsildar,
Thiruneermalai Village,
Tambaram Taluk,
Kancheepuram District.

+1 cc to Mr.R.Ganesh Babu, Advocate, S.R.No.60929
+1 cc to the Government Pleader, S.R.No.61255

W.P.No.18148 of 2009

GJ-II(CO)
SSM(22/08/2019)