



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.33467 of 2019  
and  
W.M.P.No.33940 of 2019

D.Dinesh

.. Petitioner

/versus/

1.The Government of Tamil Nadu,  
represented by its Additional Chief Secretary/  
Commissioner of Land Administration,  
Land Administration Department,  
Ezhilagam, IInd Floor, Chepauk, Chennai 600 005.

2.The District Revenue Officer,  
Kancheepuram District,  
Office of the District Revenue Officer,  
Thaiyar Kullam,  
Kancheepuram 631 501.

3.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Pillayar Koil Street,  
Chengalpattu 603 001.

4.The Tahsildar, Thiruporur,  
Office of the Tahsildar of Thiruporur,  
Chengalpattu Road,  
Tiruporur 603 110.

5.Dhanapal

6.Gangatharan

7.Kumar

8.Radha

9.Radhakrishnan

10.Danammal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records of the 1<sup>st</sup> respondent relating to the impugned



order in reference K3/28627/2017 dated 02.02.2018 and quash the same as illegal, arbitrary and devoid of merits and consequentially direct the respondents 1 to 4 herein to reconsider the representation given by the petitioner to issue the patta in his favour for the property which is the subject matter of the representation, without taking into consideration the pending vexatious civil litigations initiated by the respondents 6 to 10 in O.S.No.94 of 2013 and O.S.No.95 of 2013 on the file of the learned District Munsif Court at Chengalpattu.

For Petitioner :Mr.Ganesh and Ganesh

For Respondents :Mr.K.Ravikumar, AGP  
for R1 to R4

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### O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.Ganesh and Ganesh, learned counsel appearing for the petitioner and Mr.K.Ravikumar, learned Additional Government Pleader, who takes notice for respondents 1 to 4.

3.The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus calling for the records of the 1<sup>st</sup> respondent relating to the impugned order in reference K3/28627/2017 dated 02.02.2018 and quash the same as illegal, arbitrary and devoid of merits and consequentially direct the respondents 1 to 4 herein to reconsider the representation given by the petitioner to issue the patta in his favour for the property which is the subject matter of the representation, without taking into consideration the pending vexatious civil litigations initiated by the respondents 6 to 10 in O.S.No.94 of 2013 and O.S.No.95 of 2013 on the file of the learned District Munsif Court at Chengalpattu.

4.There is a title dispute between the petitioner and respondents 5 to 10, who are the present pattadhars.

5.According to the petitioner, the patta has been fraudulently changed in the name of the private respondents 5 to 10. He has given a police compliant and the Deputy Superintendent of Police has given a letter recommending to change the patta in favour of the petitioner. Based on that, the petitioner has given representation to the revenue officials. However, the District Revenue Officer as well as Commissioner of Land Administration after going through the records and the pendency of the two civil suits of the year 2013 have directed the petitioner to work his remedy before the civil Court.



6.The learned counsel appearing for the petitioner states that bare injunction suits are filed by the private respondents 5 to 10 against the petitioner and these suits have nothing to do with the title. Relying upon the recommendation of the Deputy Superintendent of Police, Anti Land Grabbing, Kancheepuram dated 15.07.2014, the learned counsel appearing for the petitioner would submit that the private respondents viz., Danapal and others after getting patta in their names have encroached upon the land of the petitioner and therefore, the Revenue Divisional officer shall enquire into the complaint and remove the encroachment.

7.This Court is of the opinion that the said recommendation of the Deputy Superintendent of Police, Anti Land Grabbing, Kancheepuram dated 15.07.2014 itself is beyond the scope and power of the Police officials. If he has found any material of fraudulent documentation, he should have registered a complaint and investigated the same. He cannot give opinion regarding the revenue records and direct the Revenue Divisional Officer to act upon his opinion.

8.That apart, the 2<sup>nd</sup> respondent/District Revenue Officer as well as the 1<sup>st</sup> respondent/Commissioner of Land Administration both have perused the records, heard the grievance of the petitioner and after considering the entries in the revenue records and pendency of the civil suits, have rightly directed the petitioner to work out his remedy before the Civil Court, where the suits are pending.

9.The contention of the learned counsel appearing for the petitioner is that the bare injunction suits are filed by the private respondents 5 to 10 against the petitioner and these suits have nothing to do with the title. At the same time, the petitioner alleges that the patta has already been transferred in the name of respondents 5 to 10.

10.In such circumstances, appropriate forum for the petitioner to get redressal is only the civil Court and the order of the respondents 1 and 2 is not improper and illegal to interfere under Article 226 of the Constitution of India.

11Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The Additional Chief Secretary/  
Commissioner of Land Administration,  
Government of Tamil Nadu,  
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Office of the Tahsildar of Thiruporur,  
Chengalpattu Road,  
Tiruporur 603 110.

+lcc to Mr.Ganesh and Ganesh , Advocate SR.No. 99836

W.P.No.33467 of 2019

pvs

A.SK(09/01/2020)