

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.29535 of 2011
and
M.P.Nos.1 of 2011 and 1 of 2012

P.Rajesh

... Petitioner

vs

1.The District Revenue Officer,
Tiruvallur District.

2.The Revenue Divisional Officer,
Ponneri.

3.The Tahsildar,
Ambattur Taluk,
Chennai - 53.

4.Ravi Keerthi

5.Mythili Keerthi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order of the 2nd respondent made in Na.Ka.3866/2011/A1 dated 23.11.2011 to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.I.Sathish (For R1 to R3)
Additional Government Pleader

Mr.N.R.Rajagopalan
(For R4 and R5)

O R D E R

This writ petition is filed for a Writ of Certiorari to quash the order passed by the second respondent in Na.Ka.No.3866/2011/A1 dated 23.11.2011 and for appropriate orders.

2. The matter relates to grant of patta. The petitioner and the private respondents in this writ petition are rival claimants claiming title to the property and they seek patta. The impugned order dated 23.11.2011 has been passed by the Revenue Divisional Officer, Ponneri, stating that the petitioner's name should be removed and that the names of the fourth and fifth respondents' should be restored. As per the order impugned in this writ petition, the petitioner has no document to establish his right for grant of patta. However, learned counsel appearing for the petitioner states that no opportunity was actually given to the petitioner to establish his right.

3. Be that as it may, it is now admitted before this Court that a suit has been filed by the petitioner for permanent injunction and again another suit is also pending at the instance of contesting respondents.

4. It is well settled that the dispute regarding title should be decided only by the Civil Court and that under the Tamil Nadu Patta Passbook Act, 1983, the revenue officials have no authority to decide the title or one's possession.

5. This Court in several cases have relegated the parties to the Civil Court so that the Civil Court can resolve the dispute regarding title uninfluenced by any of the observations or findings of the revenue officials regarding one's title.

6. In such circumstances, this Court is of the view that the writ petition can be disposed of on the following lines:-

(i) It is open to the petitioner to establish his title or enjoyment of the property in the manner known to law before the Civil Court in the suits pending in O.S. Nos. 200 of 2011 and 236 of 2006 before the District Munsif Court, Ambattur.

(ii) It is made clear that the Civil Court in which the suits are pending, may dispose of the suits on merits and in accordance with law, uninfluenced by any of the observations or findings of the revenue officials regarding the title or observations in this writ petition. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dm

To

1.The District Munsif Court,
Ambattur.

2.The District Revenue Officer,
Tiruvallur District.

3.The Revenue Divisional Officer,
Ponneri.

4.The Tahsildar,
Ambattur Taluk,
Chennai - 53.

+lcc to Mr.L.Chandrakumar, Advocate SR.12582
+lcc to the Government Pleader SR.12775

W.P.No.29535 of 2011

SKY (CO)
CB(19/03/2021)