



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6171 of 2019

and

W.M.P.No.7008 of 2019

Hemavathy

...Petitioner

Vs

1. The District Revenue Officer,
Thiruvallur, Thiruvallur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruvallur, Thiruvallur District.
3. The Thasildhar,
Avadi, Thiruvallur District.
4. The Special Thasildhar,
Town Land Revenue Scheme,
Thiruvallur District.

5. K.Kasthuri

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order passed by the first respondent in Na.Ka.2574/2018/Aa3 dated 07.11.2018 and quash the same as illegal and consequently direct the respondents to issue patta in the name of petitioner's principal's name situate land in measuring 0.11 cents land i.e. out of which total measurement 1 acre 53 cents in Survey No.196/1 (Avadi Land Measuring Register Ward No.F Block No.19 T.S.No.4/1) Patta No.363 is situated at No.23 Sorancherry "B" Madura Sekkadu Village, Poonamallee Taluk, Thiruvallur District and another vacant land in measuring 0.21 out of which land 4 acre 72 cents in Survey No.197/2A (Avadi Land Measuring Register Ward No.F Block No.19, T.S.No.5/2) Patta No.364 is situated at No.23, Sorancherry "B" Madura Sekkadu Village, Poonamallee Taluk, Thiruvallur District.

For Petitioner : Mr.G.Anbuezhian

For Respondents : Mr.A.Selvendran
Government Advocate (for R1 to R4)
: Mr.R.Kumaravel (for R5)



O R D E R

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order passed by the first respondent in Na.Ka.2574/2018/Aa3 dated 07.11.2018 and quash the same as illegal and consequently direct the respondents to issue patta in the name of petitioner's principal's name in respect of the land situated in measuring 0.11 cents land i.e. out of which, total measurement in 1 acre 53 cents in Survey No.196/1 (Avadi Land Measuring Register Ward No.F Block No.19 T.S.No.4/1) Patta No.363 is situated at No.23 Sorancherry "B" Madura Sekkadu Village, Poonamallee Taluk, Thiruvallur District and another vacant land, measuring 0.21 cents out of which, land measuring 4 acre 72 cents in Survey No.197/2A (Avadi Land Measuring Register Ward No.F Block No.19, T.S.No.5/2) Patta No.364 is situated at No.23, Sorancherry "B" Madura Sekkadu Village, Poonamallee Taluk, Thiruvallur District.

2. On a perusal of the order passed by the second respondent dated 12.01.2018, in Na.Ka.2494/2017A5, both the petitioner and the fifth respondent were directed approach the Civil Court to declare their title in respect of the subject properties. The first and second respondents rightly rejected the request of petitioner for the reason that they have no jurisdiction to decide the title over the properties either in favour of the petitioner or in favour of the fifth respondent herein. Therefore, this Court finds no infirmity or illegality in the impugned order passed by the first respondent and as such, this Writ Petition is devoid of merits.

3. In the result, this Writ Petition is dismissed. However, the petitioner and the fifth respondent are directed to approach the competent Civil Court to ascertain their title over the subject properties by declaration. Thereafter, they are at liberty to approach the third respondent for issuance of patta in respect of the subject properties. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kv



To

1. The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
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Office of the Revenue Divisional Office,
Thiruvallur,
Thiruvallur District.
3. The Thasildhar,
Avadi,
Thiruvallur District.
4. The Special Thasildhar,
Town Land Revenue Scheme,
Thiruvallur District.

+1cc to Mr.V.Arun, Advocate, S.R.No.58635

W.P.No.6171 of 2019

SPD(CO)
RGA(01/12/2021)