



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.NOS.12361, 12363, 12364, 12367 & 12369 OF 2021

AND W.M.P.NOS.13134, 13137, 13139, 13141 & 13142 OF 2021

V.Santhi

... Petitioner in WP.No.12361/2021

S.Manjula

... Petitioner in WP.No.12363/2021

B.Rani

... Petitioner in WP.No.12364/2021

Thanga Thamilvanan

... Petitioner in WP.No.12367/2021

T.Ellammal

... Petitioner in WP.No.12369/2021

Vs.

1. The Commissioner,
Land Reforms Department,
Ezhilagam, Chepauk, Chennai - 600 005.
2. The District Collector,
Chengalpattu District,
Chengalpattu - 603 001.
3. The District Revenue Officer,
Chengalpattu District,
Chengalpattu - 603 111.
4. The Revenue Divisional Officer,
Tambaram Taluk,
Chengalpattu District - 603 002.
5. The Tahsildhar,
Tambaram Taluk,
Chengalpattu District - 603 002.

... Respondents in all WPs



COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the fourth respondent herein in No.1415/2019/A dated 24.12.2019 and quash the same and consequently restore patta Nos.508, 562, 687, 447 & 688 and issue the online patta in favour of the petitioners respectively.

For Petitioners : Ms.B.Aparna
in all WPs

For Respondents : Dr.S.Suriya
in all WPs Government Advocate

COMMON ORDER

(Heard through Video Conferencing)

The case of each petitioner is that the schedule property was purchased by them in 2007 and ever since the purchase, they have been in the absolute possession and enjoyment of the property. According to them, in 'A' Register, their physical possession have been reflected and revenue entries have also been changed supporting the ownership of the petitioners.

2. According to the petitioners, they have tried to obtain patta sometime in 2014 and since the patta was not reflected in the Government website, they approached 4th respondent in that regard. Since no action was forthcoming, they approached 4th respondent by submitting a representation on 21.02.2017 and the representation was also forwarded to 2nd respondent for taking necessary action. Thereafter, an enquiry was conducted but no final order was passed for a long time.

3. Therefore, the petitioners approached this Court by filing W.P.Nos.21687, 21691, 21710, 21700 & 21705 of 2019 seeking for issuance of writ of mandamus and this Court disposed of the writ petitions on 18.11.2019, directing 3rd respondent to complete the enquiry proceedings and pass appropriate orders. Finally the order was passed by the Revenue Divisional Officer - 4th respondent on 24.12.2019 negating the claim of the petitioners on the ground that the lands for which the pattas were sought by the petitioners, stood classified as "Government Dry" (Government Tharisu) and accordingly, their request for pattas was rejected and the present writ petitions have been filed assailing the proceedings of the Revenue Divisional Officer.



4. This Court is unable to appreciate the challenge for more than one reason. In the impugned proceedings itself the 4th respondent - Revenue Divisional Officer has clearly indicated that if the petitioners were aggrieved by the orders, they shall prefer a Revision Petition before the District Revenue Officer, Chengalpattu, within a period of 60 days.

5. From the above factual narrative, it appears that no revision petition has been preferred nor it has been canvassed before this Court. The remedy of revision is a proper and effective remedy against the Order of the Revenue Divisional Officer in patta transfer matters and such authority alone is competent to go into the factual explanation of the persons requesting for grant of patta. However, this Court is unable to comprehend as to why the petitioners have not chosen to file the revision petition all these time.

6. The petitioners instead of preferring the revision petition which is the most effective alternative remedy, they have chosen to invoke the extraordinary remedy under Article 226 of the Constitution of India. It is trite in law to hold that, in matters of title and ownership, the adjudicatory process will involve investigation of facts which adjudication cannot be undertaken by this Court in its exercise of writ jurisdiction. Therefore, this Court is of the considered view that the proper course for the petitioner is to approach either the Revisional Authority by filing revision petition, explaining the delay or to approach the Civil Court for establishing the right of title to the property in possession. It is certainly not open to the parties to invoke the writ jurisdiction of this Court.

Accordingly, these Writ Petitions stand dismissed as not maintainable. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

sni/pns

To

1. The Commissioner,
Land Reforms Department,
Ezhilagam, Chepauk, Chennai - 600 005.



2. The District Collector,
Chengalpattu District, Chengalpattu - 603 001.

3. The District Revenue Officer,
Chengalpattu District, Chengalpattu - 603 111.

4. The Revenue Divisional Officer,
Tambaram Taluk,
Chengalpattu District - 603 002.

5. The Tahsildhar,
Tambaram Taluk,
Chengalpattu District - 603 002.

+1cc to the Government Pleader, SR.No.27542

W.P.Nos.12361, 12363, 12364, 12367 & 12369 of 2021

SKY(CO)
RLP(03/08/2021)