



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.30356 OF 2016

AND

W.M.P.NO.26324 OF 2016

Hindustan Unilever Limited,
Detergents Factory,
Off NH-45A, Vadamangalam,
Puducherry - 605 102
Rep. by its Assistant Legal Counsel

...Petitioner

Vs.

1. The Tahsildar,
Taluk Office Villianur,
Villianur, Pondicherry,
2. The Settlement Officer,
Directorate of Survey and Land Records,
Near Collector Office,
Kamaraj Salai, Saram,
Puducherry - 605 013.
3. Thiru.Meganathan

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in No.3085/ Tah./ 80/2016 dated 26.07.2016 passed by the First Respondent and quash the same as being illegal, arbitrary and without authority of law.

For Petitioner : Mr.Krishna Srinivasan
For M/s.S.Ramasubramaniam and Associates

For Respondents : Mr.J.Kumaran
Additional Government Pleader
[Puducherry]
[For R1 and R2]
Mr.Prakash Adipadam
[For R3]



ORDER

The order passed by the Tahsildar-cum-Settlement Officer dated 26.07.2016, restoring the patta of the third respondent along with other persons is under challenge in the present writ petition.

2. The petitioner is a Company, engaged in the business of manufacturing and marketing of Fast Moving Consumer Goods in India.

3. The learned counsel for the petitioner made a submission that the Tahsildar has no jurisdiction to decide the civil rights of the parties in respect of the immovable property and erroneously passed an order, holding that the petitioner has grabbed the land belongs to the third respondent and other persons. The petitioner approached the Settlement Officer, who in turn, passed an order on 22.08.2012 stating that the claim of the third respondent cannot be considered and he was advised to approach the competent Civil Court for redressal of his grievances.

4. Thereafter, the impugned order was passed in proceedings dated 26.07.2016 by the Tahsildar, stating that the pattas granted are restored. In respect of the disputed lands, in the names of the pattadars as described in the impugned order till such time, the matter is settled by the Competent Civil Court.

5. The impugned order has been passed on verification of certain documents and the Tahsildar also in clear terms, held that the restoration of pattas are made until the matter is settled by the Competent Civil Court.

6. The learned counsel for the petitioner states that Tahsildar has no jurisdiction. However, the order impugned passed by the Tahsildar or the order passed by the Settlement Officer would not confer any right of title or ownership in respect of either of the parties. Thus, based on the order either passed by the Tahsildar or passed by the Settlement Officer, no one claim property right in respect of the subject property. After establishing the Civil right before the Competent Civil Court of law and after reaching finality, either of the parties may submit an application before the competent authority for the purpose of effecting necessary changes in the Revenue records.

7. Undoubtedly, the Revenue authorities are not competent to decide the ownership or title in respect of the immovable properties. In the event of any ambiguity in respect of title,



then the parties must be advised to resolve the issues before the Competent Civil Court for crystallization of their rights. Contrarily, the Revenue authorities cannot form a final opinion with reference to the ownership of the property. The Tahsildar also restored the patta based on certain documents until the matter is settled by the Competent Court. In all the orders referred in the writ petition, the authorities have stated that the parties have to resolve the dispute before the Competent Civil Court of Law.

8. This being the consistent view taken, grant of patta, cancellation of patta or restoration of patta in all Revenue records would not confer any title on either of the parties and the parties are bound to establish their Civil rights before the competent Civil Court for the purpose of enforcement of their Civil rights.

9. Thus, this Court is of an opinion that the petitioner has to approach the Civil Court or the other parties claiming right at their choice. At the outset, the parties, if they wish to establish their property right or title, they are bound to approach the Competent Civil Court of law for getting appropriate relief. In the event of approaching the Civil Court, they are at liberty to see all reliefs including the interim relief by establishing their rights.

10. This being the principles to be followed, the writ petitioner is not entitled for the relief as such. However, it is made clear that the writ petitioner or the other parties claiming right, are at liberty to approach the competent Civil Court of Law for the purpose of establishing their ownership, title or otherwise in the manner known to law.

11. With this liberty, the writ petition stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Taluk Office Villianur,
Villianur, Pondicherry,

2. The Settlement Officer,
Directorate of Survey and Land Records,
Near Collector Office,
Kamaraj Salai, Saram,
Puducherry - 605 013.

+1cc to Mr.M.Vaikunth, Advocate, S.R.No.69622

+1cc to M/s.S.Ramasubramaniam and Associates, Advocate,
S.R.No.69511

+1cc to the Government Pleader(Puducherry), S.R.No.127

W.P.No.30356 of 2016

RLD(CO)
RLP(12/01/2022)