



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.17781 OF 2017

AND

W.M.P.NO.19292 OF 2017

P.K.Babu

... Petitioner

-Vs-

1. The Secretary to Government
Revenue Department,
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 9.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Revenue Divisional Officer (RDO),
Ponneri, Thiruvallur District.
4. The Additional Director General of Police,
CBCID, Police No.220,
Pantheon Road, Egmore,
Chennai - 600 008.
5. Gabriel Durai
6. Joseph Durai
7. Roselin Durai

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to rectify errors



found in the revenue records and keep the survey No.523/1 of Vallur Village to its original position where the petitioner is living in the status of Meikal Porampoku at Malli Nagar, Pattamandri, Vallur (P.O.) Chennai -600 120, it terms of the petitioner's representation dated 24.01.2017.

For Petitioner : No appearance
For Respondents
For R1 to R4 : Mr.M.R.Gokul Krishnan
Government Advocate
For R5 to R7 : Mr.R.Krishnasamy

ORDER

The Writ Petition has been filed to direct the respondents 2 and 3 to rectify errors found in the revenue records and keep the survey No.523/1 of Vallur Village to its original position where the petitioner is living in the status of Meikal Porampoku at Malli Nagar, Pattamandri, Vallur (P.O.) Chennai -600 120, it terms of the petitioner's representation dated 24.01.2017.

2. The case of the petitioner is that the petitioner is living at survey No.523/1 at Malli Nagar, Pattamandri, Vallur, Chennai. The said land belongs to the government and the same is classified as Meikal Porampoke in the government records. As per the government records, the petitioner is living at survey No.523/1 and therefore he made representation to the government for getting free house site patta. Since the same was not considered, the petitioner approached this Court in W.P.No.18367 of 2010 and the third respondent was directed to consider the same. However, the respondents 5 to 7 attempted to grab his property by fabricating some false records. The revenue officials illegally changed the revenue records in survey No.525 extends inside survey No.523/1. Therefore, the petitioner filed this present petition with the above said prayer.

3. Heard Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.R.Krishnasamy, learned counsel appearing for the respondents 5 to 7. No one is appeared on behalf of the petitioner.



4. The respondents 5 to 7 filed counter and the learned counsel appearing for them submitted that the petitioner has never resided at survey No.523/1. The petitioner encroached their lands comprised in survey No.525. Therefore, the respondents 5 to 7 filed suit in O.S.No.197 of 2007 and the same was decreed in their favour by the judgment and decree dated 05.04.2011 on the file of the District Munsif Court, Thiruvottiyur. Subsequently, they filed execution petition in E.P.No.86 of 2011 in O.S.No.197 of 2007 and the petitioner was evicted from the land comprised in survey No.525. Therefore, he prayed for dismissal of this petition.

5. Suppressing the said facts, the petitioner filed the present Writ Petition conveniently to change the revenue records from S.No.525 to S.No.523/1. Therefore, the Writ petition is devoid of merits and liable to be dismissed. However, the petitioner is at liberty to approach the Civil Court for proper relief, if so advised.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

rts

To

1. The Secretary to Government
Revenue Department,
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 9.
2. The District Collector,
Thiruvallur District,
Thiruvallur.



3. The Revenue Divisional Officer (RDO),
Ponneri, Thiruvallur District.

4. The Additional Director General of Police,
CBCID, Police No.220,
Pantheon Road, Egmore,
Chennai - 600 008.

+1cc to M/s.V.Ajoy Khose, Advocate, S.R.No.57487

+1cc to the Government Pleader, S.R.No.57644

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and W.M.P.No.19292 of 2017

KSM(CO)
RLP(24/11/2021)